

Currituck County Board of Commissioners Agenda

Historic Currituck County Courthouse

Date: Monday, March 02, 2009

Time: 7:00 PM

Work Sessions

1:00 Discussion on Utilities

5:00 p.m. Cooperative Extension Report to the People and reception

Regular Agenda

7:00 p.m. Invocation
Pledge of Allegiance

Item 1 Approval of Agenda

Item 2 Public Comment

Please limit comments to items not appearing on the regular agenda, please limit comments to 3 minutes.

Item 3 **Aaron Gay, NC Forest Service, to Discuss Marsh Fires**

Item 4 **Public Hearing and Action:** 08-42 Blackwater Training Center: Request for a Special Use Permit for a Security Training Operations and Services Facility on property located at the South end of Puddin Ridge Road, adjacent to the Camden County border, Tax Map 12, Lot 1, and Tax Map 17, Lot 1A, Moyock Township.

Item 5 **Public Hearing and Action:** PB 09-07 Currituck County Schools: Request to amend the Currituck County Unified Development Ordinance to exempt public outdoor recreational facilities from the requirements of Section 9.4 Lighting Standards.

Item 6 **Public Hearing and Action:** PB 09-08 Currituck County Board of Commissioners: Request to amend the Currituck County Unified Development Ordinance, Chapter 10: Subdivision Requirements, to exempt property divisions transferred to a government entity from the zoning and subdivision requirements of the Unified Development Ordinance.

- Item 7 **Public Hearing and Action:** PB 09-02 Currituck County Planning Department: Request to amend the Currituck County Unified Development Ordinance, Chapter 2: Zoning Districts, Chapter 3: Special Requirements, and Chapter 17: Definitions to revise the requirements for Adult Establishments and to permit Tattoo and Body Piercing Studios only in the HM zoning district.
- Item 8 **Consideration of Concession License Agreement for Airport**
- Item 9 **Consent Agenda:**
1. Budget amendments
 2. Approval of Code Enforcement Violation Files Disposition
 3. Resolution East Carolina HIV/AIDS Grant
 4. Magette Well change order #1, Mainland Water Construction
 5. Crowder Construction change order #3, Mainland Water construction
 6. Hendrix-Barnhill CO1 & CO2, Mainland Water
 7. McKenzie Construction change order #2, Moyock Library Construction
 8. Amendment to The Design Collaborative agreement for Moyock Library
 9. Resolution to Declare Surplus Property for Disposal
 10. Resolution supporting the creation of an Insurance Commission
 11. Approval of Grant for Mosquito Control and Resolution designating County Manager to sign
 12. Approval of Job Descriptions in Tourism Department
 13. Approval of Building Inspection Records Disposition
 14. Approval of February 16, 2009, Minutes
- Item 10 Commissioner's Report
- Item 11 County Manager's Report
- Adjourn

Gwen Keene

From: NCFS Currituck [Currituck.DFR@ncmail.net]
Sent: Thursday, February 19, 2009 3:46 PM
To: James Mims; Mary Gilbert; Barry Nelms; gregor1@inteliport.com; Gwen Keene; Janet Taylor; John Rorer; Owen Etheridge; S Paul O'Neal; Vance Aydlett
Cc: Dan Scanlon; chief@lcvfd.org
Subject: Churches Island marsh fires

This email is in response to Mr. Grover Harcum's recent letter concerning marsh fires on Churches Island. Fire Marshal Mims forwarded the letter and I thought you may need some additional information.

The specific incident that Mr. Harcum refers to occurred on Saturday Feb. 14th. At approximately 1945 hrs, the Lower Currituck Volunteer Fire Dept and NC Forest Service were paged out to "check a controlled burn". Upon arrival I found the marsh burning adjacent to Emporer's Isle (Mr. Harcum's street). The fire was not threatening any homes. The wind was pushing the fire and smoke away from Churches Island and towards the intracoastal waterway. I made contact with the person responsible for the fire. His hunt club owns/manages the marsh adjacent to Emporers Isle. He had a permit and was there monitoring the event. Since the controlled burn was being observed and wasn't threatening other property, the NCFS and LCVFD didn't take any suppression action.

Fires in the marsh can be very dramatic. The flames, sound, and smoke column produced can alarm folks who haven't seen marsh fires before. I understand Mr. Harcum's concern given the wildfire history on Churches Island. Mr. Harcum wrote a similar letter a few weeks ago. Around the same time Commissioner O'Neal asked some pertinent questions about marsh fires. Below I have pasted excerpts from my reply to Commissioner O'Neal:

- *****
1. Are they legal?
 In North Carolina, it is legal for citizens to use fire on their property. This includes farmers burning off their fields, forest landowners using prescribed fire to manage their woodlands, and hunters burning their marshes. A few laws and regulations have been put in place to protect air quality and prevent wildfires. There are several stipulations that landowners must follow to avoid violating NC's open burning laws. These stipulations are addressed in the next few questions.
 2. Do they require a permit?
 Yes. Any use of fire more than 100' from an occupied dwelling and within 500' of woodlands requires a burn permit. These free permits are available online and from local permit agents.
 3. Are they to be supervised?
 Yes. NC law (GS 14-140.1) mandates a watchman must be present while burning.
 4. Who is held responsible for personal property damage?
 The person who lit the fire is generally held responsible whether they had a permit or not. A permit does not relieve him/her of any liability. The NC Prescribed Burning Act established a "certified burner" program in NC that can limit liability from smoke impacts only. It requires training, detailed burn plans, and thorough preplanning. Very few people outside of resource management agencies have participated in this program.
 5. Who pays for the fire responses on deliberately set fires?
 Taxpayers pay for our responses to false alarms, wildfires, controlled burns, etc. The NC Forest Service can seek wildfire suppression cost reimbursement in court. This action is very rarely taken. For example, if someone set fires deliberately and with bad intentions (arson), the NC Forest Service may attempt to get suppression cost repayed. This money is shared with other responding agencies (usually the VFD).

Landowners and land management agencies typically burn marshes to provide good waterfowl habitat. Without fire, marshes lose productivity and may convert to low swamps over time.

Prescribed burning has another benefit - it reduces the possibility of a dangerous wildfire impacting people and homes.

I hope this information helps explain the situation on Churches Island. Prescribed burning is a valuable land management tool that benefits the landowner, certain ecosystems, and the community. I strive to reduce conflicts through fire prevention education and law enforcement. Please contact me if you have any questions.

Thank you,
Aaron Gay
Currituck County Ranger
NC Forest Service
252-453-6770

copy: BOC
James M.

February 15, 2009

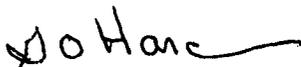
Mr. Owen Etheridge and Fellow Commissioners
County of Currituck
P.O. Box 39
153 Courthouse Road
Currituck, North Carolina 27979

Dear Fellow Commissioners:

Once again, for the third time since Christmas, the residents of Churches Island have had to watch and wonder about the out come of a marsh fire that was set and again burned all day and into the night. Unknown if a permit was obtained, but even so, one thing is for certain, it did not cover the approximate one mile by two mile radius that burned. All that property surely does not belong to a single person or group. If that was called a controlled fire, then someone LOST control. Again, our property and lives faced possible damage, injury and even death. What value would burning such a large area of marsh have to help our air quality, property or our lives? It would seem the only reason for such actions would be to add more carbon dioxide to our already over burdened environment and to disrupt the pristine living of the fine County of Currituck. If these fires are going to continue to burn with unknown possibilities and direction, maybe you should reconsider our fire hydrants, so that we can at least put up a fight when that unpreventable day comes. It has appeared from years past to the present, that our destiny and fate on Churches Island has been determined by non residents and non voters. It is our hope that the future will change.

In closing, I write this letter only to let you know of the possible problems that can and surely will occur in the future. I hope I am not the one to tell our leadership that I told you so.

Sincerely,



Grover Harcum
112 Emperors Isle
Coinjock, NC 27923

**CASE ANALYSIS FOR THE
BOARD OF COMMISSIONERS
MEETING DATE: March 2, 2009
Special Use Permit
PB 08-42 Blackwater Training Center**

ITEM: **SPECIAL USE PERMIT – SECURITY TRAINING
OPERATIONS AND SERVICES FACILITY**

LOCATION: 850 Pudding Ridge Road, Moyock

ZONING DISTRICT: Agricultural (A)

TAX ID: 0012-000-0001-0000, 0017-000-001A-0000

OWNER: E & J Holdings, LLC
PO Box 1029
Moyock, NC 27958

APPLICANT: Hyman & Robey, PC
PO Box 339
Camden, NC 27921

LAND USE/ZONING OF SURROUNDING PROPERTY:

	Land Use	Zoning
NORTH:	Undeveloped, Residential Single Family	A
SOUTH:	Undeveloped	A
EAST:	Undeveloped	A
WEST:	Undeveloped	A

LAND USE PLAN

CLASSIFICATION: The 2006 Land Use Plan classifies the site as **Limited Service** and **Conservation** within the **Moyock** sub-area.

NARRATIVE:

1. E & J Holdings is requesting a Special Use Permit for the Blackwater Training Facility in Currituck County to allow operation of existing firing ranges and a portion of a driver training facility.
2. The property consists of multiple parcels totaling 4,639 contiguous acres in Currituck County.
3. This property is zoned Agricultural and the Table of Permissible Uses allows Security Training Operations and Services Facilities in this zoning district with a Special Use Permit.

4. The existing firing ranges shall only be used for small arms training. The downrange safety zones specified in the Military Handbook (ML-HDBK-1027/3B) will determine the allowable caliber of weapon.
5. The firing ranges are required to be 5280 feet from any adjacent property lines. As submitted, the existing ranges are located 6,500 feet from the nearest property line (Summit Farms subdivision).
6. Proof of minimum liability insurance in the amount of \$2,000,000 was provided to the Planning Department.
7. The facility must be operated in accordance with the requirements of Section 3.3.1 of the Unified Development Ordinance.
8. The site plan and special use permit submitted for this project were reviewed at the January 21, 2009 TRC meeting. A revised site plan and narrative addressing the TRC comments was received and approved (see attached). Recommended conditions of approval are included in the staff comments.

QUESTION(S) BEFORE THE BOARD:

Special Use Permit Criteria and Staff Findings:

Special Use Permits are intended to allow the Board of Commissioners flexibility in the administration of the UDO. Through the Special Use Permit procedure, property uses which would otherwise be considered undesirable in certain districts can be developed subject to Conditions of Approval to minimize any negative effects they might have on surrounding properties.

In order to approve a Special Use Permit, certain criteria must be satisfied. The criteria and suggested findings of fact are outlined as follows:

1. **COMPLETENESS OF THE APPLICATION**
Suggested Findings:
 - a) The application is complete.
2. **COMPLIANCE WITH ORDINANCE REQUIREMENTS**
Suggested Findings:
 - a) The applicant's proposal will be required to maintain compliance with all UDO requirements and any additional requirements of the Board of Commissioners.
 - i. The proposed use **will not** materially endanger the public health or safety for the following reasons:
Suggested Findings:
 1. The firing ranges will be over 6,500 feet from the nearest property not owned by E&J Holdings.
 2. The use will meet all of the safety requirements found in Section 3.3.1 of the Unified Development Ordinance.

- ii. The proposed use **will not** substantially injure the value of adjoining or abutting property for the following reasons:

Suggested Findings:

- 1. The Table of Permitted Uses allows Security Training Operations and Services Facilities in this zoning district with a Special Use Permit.
- 2. The surrounding land uses will be buffered by existing vegetation, drainage canals, and required setbacks of one mile for firing ranges.

- iii. The proposed use **will** be in harmony with the particular neighborhood or area in which it is to be located.

Suggested Findings:

- 1. The facility shall not conduct firing range activities prior to 7 a.m. or after 10 p.m. EST daily Monday through Saturday and on Sundays prior to 9 a.m. or after 10 p.m. EST. No firing or explosive training activities shall occur on Christmas Day.
- 2. There are no residential uses within 8,000 feet of the firing ranges.

- iv. The proposed use **will** be in general conformity with the Land Use Plan, and any other plan officially adopted by the Board of Commissioners.

Suggested Findings:

- 1. The 2006 Land Use Plan classifies this site as Limited Service and Conservation within the Moyock Sub-Area and the proposed use is in keeping with the policies of the plan.
- 2. The intensity and minimal built upon area of this development will not significantly impact any wetlands or natural features of the larger site.

- v. The proposed use **will not** exceed the county's ability to provide adequate public facilities, including, but not limited to, schools, fire and rescue, law enforcement, and other county facilities. Applicable state standards and guidelines shall be followed for determining when applicable facilities are adequate. Such facilities must be in place or programmed to be in place within two years after the initial approval of the sketch plan. In the case of subdivision and multi-family development at the sketch plan/special use, preliminary plat or final plat stage, the Board of Commissioners may establish time limits on the number of lots/units available for development to assure adequate public facilities are available in.

Suggested Findings:

- 1. The proposed commercial use will not exceed the county's ability to provide adequate public facilities.

STAFF RECOMMENDATION

The proposal appears to meet the criteria for granting a Special Use Permit and staff recommends **APPROVAL** with the following conditions:

- 1. The revised plan dated 1-21-2009 shall be the approved site plan for this permit.
- 2. All required county, state, or federal permits shall be secured before the use resumes and be kept in good standing for the duration of the use.

3. The storage of munitions or explosives shall be prohibited in Currituck County.
4. The Special Use Permit is valid for one year from the date of approval, after which it must be renewed by the Currituck County Board of Commissioners.

PLANNING BOARD RECOMMENDATION

The Planning Board recommended **APPROVAL** with the staff recommendations and the following conditions:

1. Each firing range shall be posted indicating the allowable caliber of weapon allowed and any other applicable rules.
2. A copy of the Military Handbook (ML-HDBK-1027/3B) shall be available at each firing range.

PLANNING BOARD DISCUSSION

Mr. Hyman provided an overview of the request. Blackwater does not plan any new construction in Currituck.

Mr. Midgette asked Mr. Hyman if he was in agreement to the staff recommendations.

Mr. Hyman stated yes.

Ms. Motes stated she is the most adjacent property owner to the existing facility. Ms. Motes concern is the inspection and monitoring of these firing ranges. Ms. Motes stated Ms. McKenzie has provided her with an email from the Navy stating they have inspected the firing ranges and found them in compliance. Ms. Motes has not been able to verify this information because it was blacked out where the email originated.

Ms. McKenzie stated that ATF monitors the storage of Blackwater's armory. The email that Blackwater received from the Navy stated the firing ranges were in compliance and she will need to contact the Navy to get permission to release a name. Ms. McKenzie stated if the county would give them a list of county employees, they would have them cleared at the gate so when they showed up with proper identification they could go in.

Ms. Robbins stated the email refers to ranges 30 through 32 as inspected and the ranges in questioned have not been inspected.

Ms. McKenzie stated yes, but they would have an inspection of the ranges before this goes to the Board of Commissioners meeting.

Mr. West asked if Blackwater falls under any organization for safety inspections.

Ms. McKenzie stated they fall under the Navy's requirements.

ACTION

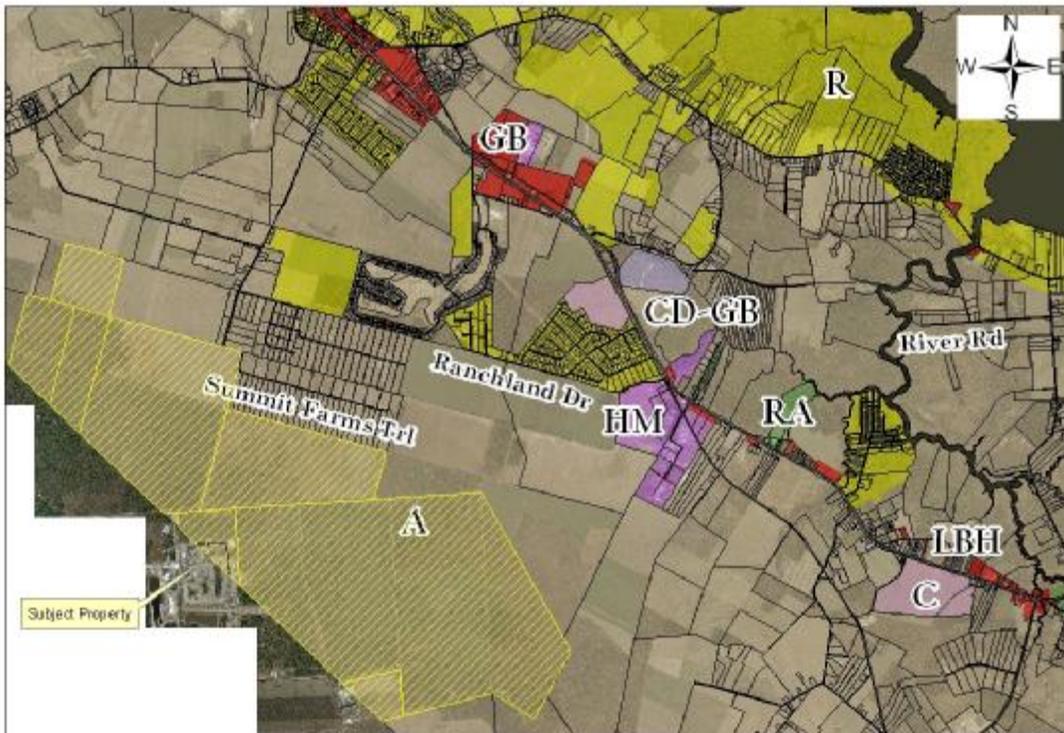
Mr. Clark motioned to recommend approval with staff recommendations of a Special Use Permit for a Security Training Operations and Services Facility with added conditions to include that each firing range be posted indicating the maximum caliber

weapon used and a copy of the military handbook be available. Mr. West seconded the motion. Motion passed unanimously.



PB 08-42 Blackwater Training Center
Special Use Permit

0 375 750 1,500 Feet
Currituck County Planning Department



PB 08-42 Blackwater Training Center
Special Use Permit

0 3,200 6,400 12,800 Feet
Currituck County Planning Department



E & J HOLDINGS / BLACKWATER USA (080235)
Special Use Permit Application Narrative

In 2008 it was discovered that a portion of Blackwater USA's Security Training and Service Facilities had unintentionally been constructed on E & J Holdings property in Currituck County. This Special Use Permit Application is a remedial action to bring Blackwater USA's Security Training and Service Facilities into full compliance with the Currituck County Unified Development Ordinance (UDO).

Prior to this Special Use Permit (SUP) Application the nonconforming situation was seen as an opportunity to improve the relationship between Blackwater USA and their neighbors by revising the language in Section 3.1.1 of the UDO through the Text Amendment process. The revisions resulted from a consensus between Blackwater USA, its neighbors, and the Currituck County Planning Department and Board of Commissioners. The Text Amendment was adopted by the Board of Commissioners at their December 15, 2008 meeting. This Special Use Permit is in accordance with Section 3.1.1 as amended.

PROPOSED USE

Security Training and Service Facilities

Training activities in Currituck County are performed on E & J Holdings property spanning 4,639 contiguous acres. Entirely within this property, downrange safety zones are a minimum of 11,400' (3,474 meters) deep and comply with the Military Handbook – Range Facilities and Miscellaneous Training Facilities other than Buildings (MIL-HDBK-1027 / 3B) allowing safe use of weapons up to and including the .223 rem. caliber rifle.

These ranges have been reviewed by the Currituck County Sheriff's Department and deemed to be operating in a safe manner.

All firing or explosive training shall take place within the specified days and hours.

The 600 acre active training site is surrounded by approximately 4,000 acres of farm and woodland, major drainage canals and ditches which serve to isolate and protect the public from accidental entry. Warning signs are posted and gates maintained at all conventional access points.

There are no munitions or explosives stored in Currituck County.

The Currituck County Fire Marshall is welcome to inspect at any time without prior notice.

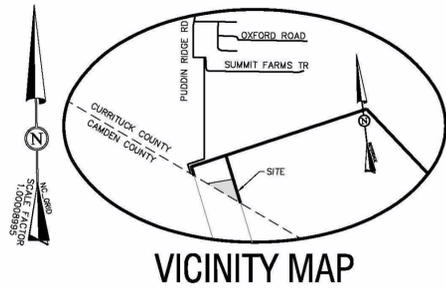
All ATF certifications and permits shall be adhered to.

Driver training is in accordance with the one mile minimum distance from adjoining landowner property lines.

Tires are not stockpiled. A dumpster is located on site specifically for the regular removal of used tires.

Training vehicles are not stockpiled. Training vehicles have a 30 to 45 day life-cycle. At the end of their useful life they are removed from the facility and replaced with new training vehicles.

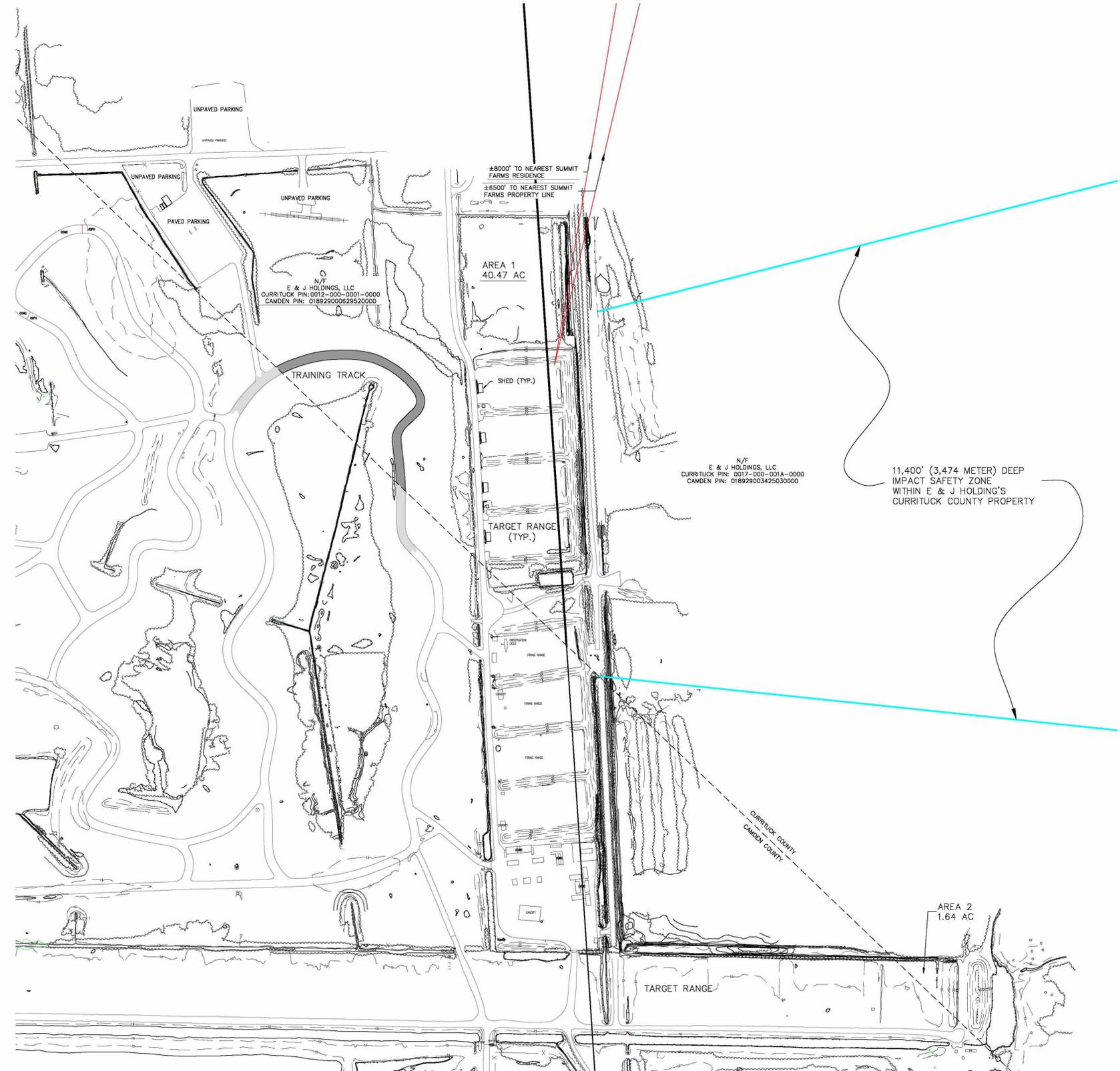
There are no dining or lodging facilities located in Currituck County.



- SITE DATA:
- OWNER/DEVELOPER:
E & J HOLDINGS, LLC
PO BOX 1029
MOYOCK, NC 27958
(252) 435-1868
 - E & J HOLDINGS CONTIGUOUS ACRES IN
CURRITUCK COUNTY: 4639 AC
 - ZONING: A
 - SUBJECT AREAS:
1=40.47 AC
2= 1.64 AC
 - IMPERVIOUS COVERAGE BY AREA:
1=132294 SF
2= 0 SF
 - SITE IS LOCATED IN FLOOD ZONE "X" AS SHOWN ON FLOOD
INSURANCE RATE MAP NUMBER 3720892800K
NOTE: FLOOD ZONES ARE SCALED FROM F.I.R.M.
FLOOD ZONES ARE SUBJECT TO CHANGE BY FEMA.

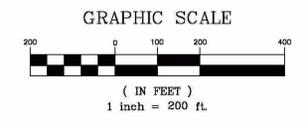
PRELIMINARY
DO NOT USE FOR CONSTRUCTION
SALES OR RECREATION

EXHIBIT MAP
FOR
E & J HOLDINGS, LLC
SPECIAL USE PERMIT APPLICATION
MOYOCK TOWNSHIP
CURRITUCK COUNTY
NORTH CAROLINA



LEGEND

	PROPERTY LINE - CURRITUCK COUNTY
	PROPERTY LINE - CAMDEN COUNTY
	SUBJECT AREAS
	COUNTY LINE
	EXISTING CONTOUR
	WOODSLINE
	TRAINING TRACK - CURRITUCK COUNTY
	TRAINING TRACK - CAMDEN COUNTY



Project #: 080235
Drawing #: 080235 Sp Use Permit
Drawn: JHS
Checked: ETH
Approved: ETH
Date: 12-19-08
Sheet #: 1 OF 1
Scale: 1"=200'

REVISIONS:

NUM.	DATE	DESCRIPTION
1	01-21-09	REV. PER TRC

SHEET TITLE:
EXHIBIT MAP
SHEET NUMBER:
1



Currituck County

Department of Planning
Post Office Box 70
Currituck, North Carolina 27929
252-232-3055
FAX 252-232-3026

MEMORANDUM

To: Board of Commissioners
From: Planning Staff
Date: February 17, 2009
Re: PB 09-07 Currituck County Schools Text Amendment

Currituck County Schools is requesting a text amendment to exempt public outdoor recreation facilities from the mainland lighting standards; Section 9.4 of the UDO.

The mainland lighting standards place additional requirements on properties that contain structures in excess of 20,000 heated square feet. In summary, the current lighting regulations restrict athletic field lighting to a maximum height of 25 feet and a maximum of 3 footcandles measured at the property line. The text amendment proposes to create an exemption from these standards for facilities such as athletic fields, community swimming pools, parks and water access areas.

What follows are the minutes from the February 10 Planning Board meeting and a draft of the text amendment as described above. The Planning Board recommended unanimous approval of this request.

Should you have any questions, do not hesitate to contact Ben Woody at 232-6029.

PLANNING BOARD DISCUSSION

The board discussed different height of the lighting.

Mr. Woody will check on the lighting at Griggs School before this goes to the BOC meeting.

ACTION

Mr. West motioned to recommend approval to amend the Currituck County Unified Development Ordinance to exempt public outdoor recreational facilities from the requirements of Section 9.4 Lighting Standards. Mr. Clark seconded the motion. Motion carried unanimously.

**Currituck County Schools
PB 09-07
UDO AMENDMENT REQUEST**

An amendment to Chapter 9 Infrastructure to exempt public outdoor recreational facility lighting from the lighting requirements of the Unified Development Ordinance.

BE IT ORDAINED by the Board of Commissioners of the County of Currituck, North Carolina that the Unified Development Ordinance of the County of Currituck be amended as follows:

Item 1: That Section 9.4 Lighting Standards is amended by adding the following language:

9.4.3.6 Exemptions

C. Exterior lighting for public outdoor recreational facilities are exempt from the requirements of this section provided the lighting does not create disabling glare onto adjacent rights-of-way or directly illuminate adjacent properties.

Item 2: The provisions of this Ordinance are severable and if any of its provisions or any sentence, clause, or paragraph or the application thereof to any person or circumstance shall be held unconstitutional or violative of the Laws of the State of North Carolina by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions which can be given effect without the invalid provision or application.

Item 3: This ordinance amendment shall be in effect from and after the _____ day of _____, 200__.

Board of Commissioners' Chairman
Attest:

Gwen H. Keene
Clerk to the Board

DATE ADOPTED: _____
MOTION TO ADOPT BY COMMISSIONER: _____
SECONDED BY COMMISSIONER: _____
VOTE: _____AYES_____NAYS_____

PLANNING BOARD DATE: _____
PLANNING BOARD RECOMMENDATION: _____
VOTE: _____AYES _____NAYS _____
ADVERTISEMENT DATE OF PUBLIC HEARING: _____
BOARD OF COMMISSIONERS PUBLIC HEARING: _____
BOARD OF COMMISSIONERS ACTION: _____
POSTED IN UNIFIED DEVELOPMENT ORDINANCE: _____
AMENDMENT NUMBER: _____



Currituck County

Department of Planning
Post Office Box 70
Currituck, North Carolina 27929
252-232-3055
FAX 252-232-3026

MEMORANDUM

To: Board of Commissioners
From: Planning Staff
Date: February 17, 2009
Re: PB 09-08 Currituck County Public Dedication Property Divisions

The Currituck County Board of Commissioners is requesting a text amendment that would exempt the division of property dedicated to the public from the requirements of the Unified Development Ordinance. As proposed, the amendment will allow a governmental entity to accept a dedicated parcel of land that may not meet the requirements of the subdivision ordinance; however, all resultant parcels must meet the full requirements of the Unified Development Ordinance.

To qualify for the proposed exemption, the dedicated property must be used for the conservation of natural resources, utilities, or other public purposes. If the governmental entity transfers the dedicated property to a non-governmental entity at a later date or the property is further divided for non-public uses, all requirements of the Unified Development Ordinance must then be met.

What follows are the minutes from the February 10 Planning Board meeting and a draft of the text amendment as described above. The Planning Board recommended unanimous approval of this request.

Should you have any questions, do not hesitate to contact Ben Woody at 232-6029.

PLANNING BOARD DISCUSSION

Mr. West asked if this would include open space.

Mr. Woody stated yes if it was accepted by the government entity.

ACTION

Mr. Kovacs motioned to recommend approval to amend the Currituck County Unified Development Ordinance, Chapter 10: Subdivision Requirements, to exempt property divisions transferred to a government entity from the zoning and subdivision requirements of the Unified Development Ordinance. Mr. Bell seconded the motion. Motion carried unanimously.

**Currituck County
PB 09-08
UDO AMENDMENT REQUEST**

An amendment to Chapter 10, Subdivision Requirements, to exempt property divisions transferred to a government entity from the requirements of the Currituck County Unified Development Ordinance.

BE IT ORDAINED by the Board of Commissioners of the County of Currituck, North Carolina that the Unified Development Ordinance of the County of Currituck be amended as follows:

Item 1: That Section 10.1 is amended to add the following language:

10.1.3 Division Transfer to Government Entity

The division of a tract or parcel transferred to the county, state, or federal government shall not be subject to the requirements and review processes provided in this ordinance. The transferred tract or parcel shall be for the conservation of natural resources, utilities, or other public purposes, and upon establishment of a use must comply with the provisions of this ordinance to the greatest extent practicable. The subsequent transfer of government property to a non-governmental entity, further division of the property for non-public uses, and any resultant lot shall be subject to the requirements prescribed in this ordinance.

Item 2: The provisions of this Ordinance are severable and if any of its provisions or any sentence, clause, or paragraph or the application thereof to any person or circumstance shall be held unconstitutional or violate the Laws of the State of North Carolina by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions which can be given effect without the invalid provision or application.

Item 3: This ordinance amendment shall be in effect from and after the _____ day of _____, 200__.

Board of Commissioners' Chairman
Attest:

Gwen H. Keene
Clerk to the Board

DATE ADOPTED: _____
MOTION TO ADOPT BY COMMISSIONER: _____
SECONDED BY COMMISSIONER: _____
VOTE: _____AYES _____NAYS _____

PLANNING BOARD DATE: _____
PLANNING BOARD RECOMMENDATION: _____
VOTE: _____AYES _____NAYS _____



Currituck County

Department of Planning
Post Office Box 70
Currituck, North Carolina 27929
252-232-6029
FAX 252-232-3026

MEMORANDUM

To: Board of Commissioners

From: Ben E. Woody, AICP
Planning Director

Date: February 17, 2009

Re: PB 09-02 Adult Establishments

The enclosed text amendment submitted by the Currituck County Planning Department is intended to revise and clarify several of the definitions included in the Adult Establishments ordinance. During a recent Board of Adjustment case regarding the issuance of a conditional use permit, it was determined the definition of Adult Business may unintentionally include land uses that are not of an adult nature. This text amendment is intended to clean up this and other potential inconsistencies in the Adult Establishments ordinance.

Additionally, the Board of Commissioners requested that Tattoo and Body Piercing Studios be prohibited in the General Business (GB), Commercial (C), and Light Manufacturing (LM) zoning districts. This change would provide that these establishments are only permitted in the Heavy Manufacturing (HM) zoning district with the issuance of a Conditional Use Permit.

What follows are the minutes from the January 10 and February 10 Planning Board meetings and a draft of the text amendment as described above. The Planning Board recommended unanimous approval of this request with the modified requirement that the spacing provisions for adult establishments be increased from 1000 feet to 1500 feet.

Should you have any questions, do not hesitate to contact me at 232-6029.

PLANNING BOARD DISCUSSION – February 10 meeting

None

ACTION

Mr. West motioned to recommend approval of the text amendment as presented with the exception of increasing the adult establishments spacing requirement from 1,000 feet to 1,500 feet. Ms. Robbins seconded the motion. Motion carried unanimously.

PLANNING BOARD DISCUSSION – January 10 meeting

Mr. West asked about location buffers in feet and that no adult establishment shall be 1000 feet from a church, public school, and public playground. How is this measured? Can this be changed to 1 mile?

Mr. Woody stated it is measured building to building.

Mr. Woody stated that if you set a provision in your county which excludes adult businesses it would be unconstitutional. Mr. Woody stated a map would need to be generated to show these areas with increased buffers. Mr. Woody stated that tattoo and body piercing studios are not adult establishments. Mr. Woody stated he will ask the county attorney to review the separation of an adult establishment and tattoo studios.

ACTION

Mr. West motioned to tabled PB 09-02 text amendment so staff can determine increased spacing provisions and map adult establishments and tattoo studios. Ms. Turner seconded the motion. Motion carried unanimously.

Currituck County
PB 09-02
UDO AMENDMENT REQUEST

An amendment to Chapter 3: Special Requirements, Chapter 17: Definitions, and Chapter 2: Zoning Districts.

BE IT ORDAINED by the Board of Commissioners of the County of Currituck, North Carolina that the Unified Development Ordinance of the County of Currituck be amended as follows:

Item 1: That Chapter 3: Special Requirements, Section 3.7.1 is amended by deleting the strikethrough language and adding the following underlined language:

3.7.1 Adult Establishments (Special Use Permit only)

- A. The provisions of these regulations are adopted by the Currituck County Board of Commissioners under authority granted by the General Assembly of the State of North Carolina, in Chapter 153A, (45-50) and further Article VI of Chapter 153A, Section 135 of the General Statutes. From and after the effective date of September 19, 1994, these regulations shall apply to every building, lot, tract, or parcel of land within Currituck County. For the purpose of promoting the health, safety, morals and general welfare of the citizenry of Currituck County, these regulations are adopted by the Board of Commissioners to regulate adult establishments and sexually oriented businesses, as hereby defined, located in Currituck County. Further, these regulations have been made with reasonable consideration among other things, as to the character of the county and its areas and their peculiar suitability for these businesses.
- B. These regulations shall not repeal, impair, abrogate, or interfere with any existing easements, covenants, deed restrictions, setback requirements, rules, definitions, regulations previously adopted pursuant to law in any established zoning district in Currituck County. However, where these regulations impose greater restrictions, the provisions of these regulations shall govern.
- C. For the purpose of these regulations, ~~the following definitions shall apply:~~ Adult Establishments and Sexually Oriented Businesses as defined in Chapter 17: Definitions shall apply.
 - 1. ~~Adult Arcade: An establishment where, for any form of consideration, one or more motion picture projectors, slide projectors, or similar machines for viewing by five or fewer persons each are used to show films, motion pictures, video cassettes, slides, or other photographic reproductions that are characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas (as defined hereinafter).~~

- ~~2. Adult Bookstore: An establishment that has as substantial portion (over 25 percent of total retail space) of its stock-in-trade and offers for rent or sale, for any consideration, any one or more of the following: 1) books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures video cassettes, slides, or other visual representations that a emphasis upon the depiction or description of specified sexual activities or specified anatomical areas; or 2) instruments, devices, or paraphernalia that are designed for use in connection with specified sexual activities.~~
- ~~3. Adult Business: An adult business shall be defined as any business activity, club or other establishment which permits its employees, members, patrons or quest on its premises to exhibit any specified anatomical areas before any other person or persons.~~
- ~~4. Adult Motion Picture Theater: An establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are shown, and in which a substantial portion (25 percent) of the total presentation time is devoted to the showing of material characterized by an emphasis on the depiction or description of specified sexual activities or specified anatomical areas.~~
- ~~5. Adult Theater: A theater, concert hall, auditorium or similar establishment characterized by (activities featuring) the exposure of specified anatomical areas or by specified sexual activities.~~
- ~~6. Massage: Any manipulation of body muscle or tissue by rubbing, stroking, kneading, or tapping, by hand or mechanical device.~~
- ~~7. Massage Business: Any establishment or business wherein massage is practiced, including establishments commonly known as massage studios or massage parlors. Specifically excluding from this definition are massages under the direct supervision of a licensed physician or a masseuse licensed in the State of North Carolina or where massage is accessory to the principal use (such as at health clubs and beauty salons).~~
- ~~8. Sexually Oriented Business: A sexually oriented business shall be defined as any business activity, club or other establishment, within which the exhibition, showing, rental, or sale of materials distinguished or characterized by an emphasis on material depicting, describing, or exhibiting specified anatomical areas or relating to specified sexual activities is permitted. Sexually oriented businesses shall include, but are not limited to; adult arcades, adult bookstores, adult motion picture theaters, adult theaters, massage businesses, as defined by this ordinance.~~

~~9. Specified Anatomical Areas: Specified anatomical areas shall be defined as less than completely and opaquely covered human genitals, pubic regions, buttocks and female breasts below a point immediately above the top of the areola.~~

~~10. Specified sexual activities: Specified sexual activities shall be defined as:~~

~~a. Human genitals in a state of stimulation or arousal;~~

~~b. Acts of human masturbation, sexual intercourse, sodomy; or~~

~~c. Fondling or other erotic genitals, pubic regions, buttocks or female breasts.~~

~~11. Total Retail Space: Any space within the structure that is used for the direct sale of merchandise to the public and storage areas for those items.~~

D. Adult ~~businesses~~, establishments and sexually oriented businesses shall be subject to the following restrictions:

1. Adult ~~businesses~~ establishments may be located only in an HM (Heavy Manufacturing) zoning district provided a special use permit is obtained.

2. No adult ~~business~~ establishment shall be permitted in any building:

a. Located within ~~4000~~ 1500 feet in any direction from a building used as a residential dwelling and any R and RA zoning district.

b. Located within ~~4000~~ 1500 feet in any direction from a building in which an adult ~~business~~ establishment or a sexually oriented business is located.

c. Located within ~~4000~~ 1500 feet in any direction from a building used as a church, synagogue, or other house of worship.

d. Located within ~~4000~~ 1500 feet in any direction from a building used as a public school or as a state licensed day care center.

e. Located within ~~4000~~ 1500 feet in any direction from any lot or parcel on which a public playground, public swimming pool, or public park is located.

3. Except for signs as permitted in Chapter 7, promotional displays and presentations shall not be visible to the public from sidewalks, walkways or streets.

4. Determination of parking requirements shall be the responsibility of the zoning administrator who shall use the table found in Chapter 8 as a guide (i.e. adult motion picture theaters shall provide parking as is required for other motion picture theaters; adult businesses shall provide parking as is required for dance halls, bars and nightclubs, etc.).
- E. Any adult ~~business~~ establishment or sexually oriented business lawfully operating on September 19, 1994, which is in violation of this ordinance shall be deemed a nonconforming use. Any use which is determined to be nonconforming by application of the provisions of this section shall be permitted to continue for a period not to exceed two years. Such nonconforming uses shall not be increased, enlarged, extended, or altered except that the use may be changed to a conforming use. If a nonconforming use is discontinued for a period of 180 days or more it shall not be reestablished.
 - F. If two or more adult ~~businesses~~, establishments or sexually oriented ~~adult~~ businesses are within 1000 feet of one another and otherwise in a permissible location, the business which was first established and continually operating at its present location shall be considered the conforming use and the later-established business(es) shall be considered nonconforming.
 - G. An adult ~~business~~ establishment or sexually oriented ~~adult~~ business lawfully operating as a conforming use shall not be rendered nonconforming by the subsequent location of a church, house of worship, day care center, school, playground, public swimming pool, or public park within 1000 feet of the adult business and sexually oriented business.

Item 2: That Chapter 17: Definitions is amended by deleting the strikethrough language, adding the underlined language and reordering in alphabetical order the following definitions:

Sexually Oriented Business (aka Adult Establishment ~~or Sexually Oriented Establishment~~)

A sexually oriented business shall be defined as any business activity, club or other establishment, within which the exhibition, showing, rental, or sale of materials distinguished or characterized by an emphasis on material depicting, describing, or exhibiting specified anatomical areas or relating to specified sexual activities is permitted. Sexually oriented businesses shall include, but are not limited to, adult arcades, adult bookstores, adult businesses, adult motion picture theaters, adult theaters, escort agencies, and massage businesses, ~~as defined by this ordinance.~~ As used in this Ordinance, the following definitions shall apply:

- a. **Adult Arcade:** An establishment where, for any form of consideration, one or more motion picture projectors, slide projectors, or similar machines ~~for viewing by five or fewer persons each~~ are used to show films, motion

pictures, video cassettes, digital reproductions, slides, or other photographic reproductions that are characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas.

- b. **Adult Bookstore:** An establishment that has as substantial portion (over 25% of total retail space) of its stock-in-trade and offers for rent or sale, for any consideration, any one or more of the following:
- i. books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, video cassettes, digital reproductions, slides, or other visual representations that are characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas; or
 - ii. instruments, devices, or paraphernalia that are designed for use in connection with specified sexual activities.
- c. **Adult Business:** ~~An adult business shall be defined as any business activity, club or other establishment which permits its employees, members, patrons, or guest on its premises to exhibit any specified anatomical areas before any other person or persons.~~ A nightclub, bar, restaurant, or other commercial establishment that regularly features, exhibits, or displays as one of its principal business purposes:
- i. persons who appear nude or semi-nude; or
 - ii. live performances which are characterized by the exposure of specified anatomical areas or by specified sexual activities; or
 - iii. films, motion pictures, videocassettes, digital reproductions, slides, or other photographic reproductions which depict or describe specified sexual activities or specified anatomical areas.
- d. **Adult Motion Picture Theater:** An establishment where, for any form of consideration, films, motion pictures, video cassettes, digital reproductions, slides, or similar photographic reproductions are regularly shown, ~~and in which a substantial portion (25%) of the total presentation time is devoted to the showing of material characterized by an emphasis on the depiction or description of~~ as one of its principal business purposes that depict or describe specified sexual activities or specified anatomical areas.
- e. **Adult Theater:** A theater, concert hall, auditorium or similar establishment characterized by (activities featuring) the exposure of specified anatomical areas or by specified sexual activities.

- f. **Escort Agencies:** A person or business that furnishes, offers to furnish, or advertises to furnish escorts as one of its principal business purposes, for a fee, tip, or other consideration.
- g. **Massage Business:** Any establishment or business wherein massage is practiced, including establishments commonly known as massage studios or massage parlors. Specifically ~~excluded~~ from this definition are massages under the direct supervision of (i) a licensed physician ~~by~~ (ii) a masseuse licensed in the State of North Carolina, or (iii) where massage is an accessory to the principle use (except as an accessory to an adult establishment or sexually oriented business) such as at health clubs and beauty salons
- h. **Specified Anatomical Areas:** Specified anatomical areas shall be defined as less than completely and opaquely covered human genitals, pubic regions, buttocks and female breasts below a point immediately above the top of the areola; or human male genitals in a discernibly turgid state, even if completely and opaquely covered.
- i. **Specified Sexual Activities:** Specified sexual activities shall include, but are not limited to, the following ~~be defined as:~~
 - i. human genitals in a state of sexual stimulation, or arousal, or tumescence; or
 - ii. sex acts, normal or perverted, actual or simulated, including ~~of~~ human masturbation, sexual intercourse, sodomy, or oral copulation; or
 - iii. fondling or other erotic touching of human genitals, pubic regions, buttocks, anus, or female breasts.

Item 3: That Chapter 2: Zoning Districts, Section 2.5 Permitted Uses Table is amended by deleting the following strikethrough language:

Section 2.5 Permitted Uses Table

Use	LUC	Zoning Districts											Special Requirements	
		A	RA	R	RO1	RO2	RR	GB	C	LBH	LM	HM		
Office & Service														
Tattoo and Body Piercing Studios	IV							€	€			€	C	3.5.8

Item 4: That Chapter 3: Special Requirements, Section 3.5.8 is amended by adding the following underlined language:

3.5.8 Tattoo and Body Piercing Studios (Conditional Use Permit only)

Item 5: The provisions of this Ordinance are severable and if any of its provisions or any sentence, clause, or paragraph or the application thereof to any person or circumstance shall be held unconstitutional or violative of the Laws of the State of North Carolina by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions which can be given effect without the invalid provision or application.

Item 6: This ordinance amendment shall be in effect from and after the _____ day of _____, 200__.

Board of Commissioners' Chairman
Attest:

Gwen H. Keene
Clerk to the Board

DATE ADOPTED: _____
MOTION TO ADOPT BY COMMISSIONER: _____
SECONDED BY COMMISSIONER: _____
VOTE: ____AYES____NAYS_____

PLANNING BOARD DATE: _____
PLANNING BOARD RECOMMENDATION: _____
VOTE: ____AYES____NAYS_____

ADVERTISEMENT DATE OF PUBLIC HEARING: _____
BOARD OF COMMISSIONERS PUBLIC HEARING: _____
BOARD OF COMMISSIONERS ACTION: _____
POSTED IN UNIFIED DEVELOPMENT ORDINANCE: _____
AMENDMENT NUMBER: _____

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 2nd day of March 2009, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2009.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
66868-516000	Repairs and Maintenance	\$ 6,500	
66868-533800	Chemicals	\$ 4,000	
66868-533200	Lab Tests		\$ 6,500
66868-545000	Contract Services		\$ 4,000
		<u>\$ 10,500</u>	<u>\$ 10,500</u>

Explanation: *Southern Outer Banks Water System (66868)* - To transfer funds for scheduled maintenance for the remainder of this year and for increased cost of chemicals.

Net Budget Effect: Southern Outer Banks Water System Fund (66) - No change

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 2nd day of March 2009, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2009.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
10540-557000	Refunds	\$ 128	
10540-511000	Telephone & postage		\$ 128
		<u>\$ 128</u>	<u>\$ 128</u>

Explanation: *Inspections (10540)* - To refund building permit fees collected in prior years due to calculation error.

Net Budget Effect: Operating Fund (10) - No change.

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 2nd day of March 2009, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2009.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
61818-516000	Repairs and Maintenance	\$ 20,000	
61818-590003	Fire Hydrants		\$ 20,000
		<u>\$ 20,000</u>	<u>\$ 20,000</u>

Explanation: *Mainland Water (61818)* - To transfer funds for repairs to the road to the water wells at the airport.

Net Budget Effect: Mainland Water Fund (61) - No change.

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 2nd day of March 2009, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2009.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
10415-511000	Telephone & Postage	\$ 2,100	
10415-561000	Professional Services		\$ 2,100
		<u>\$ 2,100</u>	<u>\$ 2,100</u>

Explanation: *Legal (10415) - Transfer funds for postage for OLF information mailing.*

Net Budget Effect: Operating Fund (10) - No change.

Minute Book # _____, Page # _____

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Clerk to the Board

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 2nd day of March 2009, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2009.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
10511-545000	Contracted Services	\$ 10,000	
10390-499900	Appropriated Fund Balance	\$ 149,366	
10510-540000	Worker's Compensation		\$ 66,805
10530-540000	Worker's Compensation		\$ 92,561
		<u>\$ 159,366</u>	<u>\$ 159,366</u>

Explanation: *Sheriff (10510); Jail (10511); Emergency Medical Services (10530)* - To adjust accounts to reflect decrease in amounts needed for FY 2008 Worker's Comp Audit.

Net Budget Effect: Operating Fund (10) - Reduced by \$149,366.

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Clerk to the Board

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 2nd day of March 2009, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2009.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
10510-532000	Supplies	\$ 12,500	
10510-514000	Travel		\$ 2,500
10510-557600	Miscellaneous Information		\$ 5,000
10510-536000	Uniforms		\$ 5,000
		<u>\$ 12,500</u>	<u>\$ 12,500</u>

Explanation: *Sheriff (10510)* - To transfer funds to furnish additional space in Corolla and for operations for the remainder of this year.

Net Budget Effect: Operating Fund (10) - No change.

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 2nd day of March 2009, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2009.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
50790-594500	Contract Services	\$ 16,149	
50790-596100	Professional Services	\$ 20,550	
50790-588000	Contingency		\$ 32,098
50790-570000	Reimbursable Expenses		\$ 4,601
		<u>\$ 36,699</u>	<u>\$ 36,699</u>

Explanation: *Moyock Library Construction (10790)* - To transfer funds for change order #2 for McKenzie construction for door card reader and for increase in professional services.

Net Budget Effect: County Governmental Construction Fund (50) - No change.

Minute Book # _____, Page # _____

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Clerk to the Board

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 2nd day of March 2009, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2009.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
55818-591001	600 GPM Deep Wells	\$ 90,039	
55818-591003	Wells - Raw Water Line	\$ 2,645	
55818-588004	Tanks - Contingency		\$ 7,096
55818-588003	Distribution System - Contingency		\$ 85,588
		<u>\$ 92,684</u>	<u>\$ 92,684</u>

Explanation: *Mainland Water Construction (55818) - To transfer funds from contingencies for Magette change order #1, Crowder change order #2 and Hendrix-Barnhill change orders 1 & 2.*

Net Budget Effect: Mainland Water Construction Fund (55) - No change.

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board



Currituck County

Department of Planning
Post Office Box 70
Currituck, North Carolina 27929
252-232-6029
FAX 252-232-3026

MEMORANDUM

To: Gwen Keene
County Clerk

From: Ben E. Woody
Planning Director

Cc: Stacey Smith
Code Enforcement Officer

Date: February 23, 2009

Re: Code Enforcement Violation Files

We are formally requesting permission from the Board of Commissioners that our code enforcement violation files dating from December 2003 and older be destroyed. North Carolina Record Retention laws specify that violation files must be maintained for a period of five years prior to disposal. This request is consistent with all record retention laws.

APPENDIX C

GOVERNING BODY RESOLUTION FOR LOCAL GOVERNMENT APPLICANTS

I. WHEREAS, the City of Virginia Beach Department of Housing and Neighborhood Preservation, has issued a Notice of Funding Availability and requested applications under the Housing Opportunities for Persons With AIDS Program.

II. WHEREAS, assistance is needed to effectively and adequately address the housing and supportive services needs of individuals infected with HIV/AIDS in **Currituck County, North Carolina**.

III. WHEREAS, a Housing Opportunities for Persons With AIDS Application for a grant under this Program has been prepared.

IV. WHEREAS, **Jo Ann Wolfe, Executive Director** can act on behalf of **Currituck County, North Carolina** and will sign all necessary documents required to complete the grant transaction.

V. NOW, THEREFORE, BE IT RESOLVED THAT THE Board of Supervisors, City Council, or other authorizing governmental body, of **Currituck County** hereby authorizes **East Carolina HIV/AIDS Partnership and Jo Ann Wolfe, Executive Director** to apply for and accept the grant and enter into a grant and enter into a Grant Agreement with the City of Virginia Beach Department of Housing and Neighborhood Preservation and perform any and all actions and responsibilities in relation to such Agreement.

Signature

Date

Dan Scanlon, Currituck County Manager

APPENDIX E

HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS PROGRAM

CERTIFICATION OF LOCAL APPROVAL

I, **Dan Scanlon, Currituck County Manager** duly authorized to act on behalf of **Currituck County, North Carolina**, hereby approve the following project(s) proposed by **East Carolina HIV/AIDS Partnership** which is located in **Rocky Mount, North Carolina**.

Signature

Date

Dan Scanlon, Currituck County Manager

20090613

CHANGE ORDER No. 1

PROJECT: R. O. WATER PLANT WELL FIELD IMPROVEMENTS
Date of Issuance: February 18, 2009 **Effective Date:**

OWNER: County of Currituck
ENGINEER: McDowell & Associates, P.A.
CONTRACTOR: Magette Well and Pump Co., Inc.

The following changes have been incorporated into the Contract Documents:

Description: Upgrade RO Wells 1 & 2 from 700 gpm to 1,100 gpm

Reason for Change Order: Increase capacity for future use instead of installing a new well

Attachments: (List documents supporting change): Magette correspondence dated February 12, 2009

CHANGE IN CONTRACT PRICE		CHANGE IN CONTRACT TIME	
Original Contract Price	\$693,171.20	Original Contract Times	
		Substantial Completion:	February 13, 2009
Net changes from previous Change Order	\$ -0-	Final Completion	March 13, 2009 (include days or dates)
Net increase (decrease) of this Change Order	\$73,876.00	Net increase (decrease) of this Change Order	+46 days
Adjusted Contract Price with all approved Change Orders	\$767,047.20	Adjusted Contract Time with all Approved Change Orders	
		Substantial Completion:	March 31, 2009
		Final Completion:	April 28, 2009

RECOMMENDED BY:

William P. McDowell

ENGINEER
(Authorize Signature)

2/18/09

Date

ACCEPTED BY:

CONTRACTOR
(Authorized Signature)

Date

APPROVED BY:

OWNER
(Authorized Signature)

Date

Change Order -

MAGETTE WELL AND PUMP CO., INC.

DEEP WELL DRILLING • WATER GUARANTEED
2342 US 13 S
AHOSKIE, NORTH CAROLINA 27910

February 12, 2009

Pat McDowell
McDowell & Associates
PO Box 391
Elizabeth City NC 27907-0391

Re. Currituck County additional cost associated with increase flow.

Well number one (1)

50 hp pump end instead of 40 hp \$1,800.00
60 hp motor for 50 hp pump end \$2,800.00
8" stainless steel well head instead of 6" PVC \$6,294.00
8" underground piping and valve instead of 6" \$1,250.00
Flow Control valve \$6,754.00
Larger white fiberglass enclosure with 36" x 36" hatch \$6,080.00
Extra 24 hour test \$6,240.00
Total \$31,218.00

Well number two (2)

Same additions as well number one \$31,218.00
Plus change from a 50KW to a 60KW generator \$2,500.00
Total \$33,718.00

Well number three (3)

Extra pump test \$6,240.00
36" x 36" hatch \$1,200.00
Total \$7,440.00

Total additional for 3 well site \$72,376.00 + ^{\$}1,500 = ^{\$}73,876 WPM ~~TD~~

The only other additional we foresee is set up and take down for well number one temporary hook-up for outfall \$1,200.00 to \$1,500.00 (if needed)

Sincerely,



Bill Magette

20090310

CONTRACT CHANGE ORDER

**Mainland Water Treatment Plant Reverse Osmosis Expansion
Currituck County, North Carolina**

To: Crowder Construction
Company, Inc.
1111 Burma Drive
Apex, NC 27539

Date
Project No.
Contract No.
Change Order No.

February 19, 2009
NC706021.3000
-
3

You are hereby requested to comply with the following changes from the Contract Documents:

Item Number	Description of Changed Quantities, Units, Unit Prices, Changes in Completion Schedule, etc.	Change in Contract Price	Change in Contract Time (Calendar Days)
(1)	(2)		(4)
1	Additional Items to Accommodate Increase in RO Well #1 Capacity	\$12,298.00	
Net Change in Contract due to this Change Order		\$12,298.00	0
Contract Summary			
Original Contract Amount		\$10,234,084.00	426
Added (Deducted) By Previous Change Order(s)		\$87,508.00	7
Subtotal		\$10,321,592.00	433
Added (Deducted) By This Change Order		\$12,298.00	0
Total Adjusted Contract		\$10,333,890.00	433
The Original Contract Substantial Completion Date is:			May 12, 2009
The Revised Substantial Completion Date based upon this and previous Change Orders is:			May 19, 2009
This document shall become an amendment to the Contract and all provisions of the contract shall apply hereto.			

Recommended By: Daniel C. Williams Date: 2/19/2009
ARCADIS G&M of North Carolina, Inc.

Accepted By: _____ Date: _____
Crowder Construction Company

Approved By: _____ Date: _____
Currituck County

DISTRIBUTION: (Original documents to be provided as follows:)

Currituck County
Crowder Constuction Company

ARCADIS
Contractor's Surety

CHANGE ORDER NO. 1

PROJECT: Proposed Raw Water Main for R. O. Wells, Maple Well Field	
DATE OF ISSUANCE: 11/17/08	EFFECTIVE DATE: 11/17/08

OWNER:	County of Currituck
ENGINEER:	McDowell & Associates, P.A.
CONTRACTOR:	Hendrix-Barnhill Co., Inc.

The following changes have been incorporated into the Contract Documents:

Description: **30' x 24" Casing Bored and Jacked Under Airport Taxiway.**

Reason for Change Order: **Requested by Currituck County Water Department**

Attachments: (List document supporting change): **Hendrix-Barnhill's proposal dated 11/13/08**

CHANGE IN CONTRACT PRICE	
Original Contract Price	\$280,992.00
Net changes from previous Change Order	\$ -0-
Net increase (decrease) of this Change Order	\$ 8,604.91
Adjusted Contract Price with all approved Change Orders)	\$289,596.91

CHANGE IN CONTRACT TIME

Original Contract Times:

Substantial Completion: January 28, 2009

Final Completion: February 18, 2009
(Include days/dates)

Net increase (decrease)
of this Change Order -0-

Adjusted Contract Time with all
Approved Change Orders

Substantial Completion: January 28, 2009

Final Completion: February 18, 2009

RECOMMENDED BY:

ACCEPTED BY:

APPROVED BY:

Jillian P. McDowell
ENGINEER
(Authorized Signature)

David A. Inl
CONTRACTOR
(Authorized Signature)

OWNER
(Authorized Signature)

12/3/08
(Date)

12/3/08
(Date)

(Date)

Change Order No. 1



HENDRIX-BARNHILL CO., INC.
 P.O. Box 1904
 Greenville, NC 27838
 252.752.4122 (Office) 252.752.9401 (Fax)

MCDOWELL & ASSOCIATES, PA
 PO BOX 391
 ELIZABETH CITY, NC 27909

DATE	QUOTE #
11/13/08	RCO-1A

JOB	HB JOB #
RAW WATER MAINS	1591

DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	TOTAL
PROVIDE 30" X 24" X 0.250" CASING BORE UNDER AIRPORT TAXIWAY				
LABOR:	1	LS	\$ 977.08	977.08
MATERIAL:	1	LS	\$ 1,259.99	1,259.99
EQUIPMENT:	1	LS	\$ 1,402.86	1,402.86
SUBCONTRACT:	1	LS	\$ 4,964.99	4,964.99

Use This

TOTAL ESTIMATE: \$ 8,604.91
 PER LINEAR FOOT PRICE: \$ 286.83

Exclusions

1. Permits or other fees that may be required.
2. Engineering, staking, surveying, and as-builts.
3. Removal or Replacement of Sod.
4. Undercut and Backfill of unsuitable materials.
5. Asphalt or Concrete replacement.
6. Select Backfill.

11/17/08; talked to David Sneed - he agreed to use 3 spiders/joint of pipe & 0.25" casing for above #

(Cum. water regs. = 3 spiders) joint

DAB

CHANGE IN CONTRACT TIME

Original Contract Times:

Substantial Completion: **January 28, 2009**

Final Completion: **February 18, 2009**
(Include days/dates)

Net increase (decrease)
of this Change Order **-0-**

Adjusted Contract Time with all
Approved Change Orders
Substantial Completion: **January 28, 2009**

Final Completion: February 18, 2009

RECOMMENDED BY:

William P. McMillan

ENGINEER
(Authorized Signature)

2/2/09

(Date)

ACCEPTED BY:

P. Key

CONTRACTOR
(Authorized Signature)

1/20/09

(Date)

APPROVED BY:

OWNER
(Authorized Signature)

(Date)

Change Order No. 2

Change Order

The Design Collaborative, Architects

Moyock Public Library

XXX Street
Moyock, North Carolina

Contract For
Contract Date
Notice to Proceed Date

07-005
Construction
September 2, 2008

Date **February 18, 2009**

CHANGE ORDER

CO-002

Item 1

To **McKenzie Construction Corporation**
400 S. Road Street, Suite B-1
Elizabeth City, NC 27909

The Contract is changed as follows:

Item 1 COP#11 – February 13, 2009 – Card Reader System \$17,589.00 0 days

TOTAL THIS CHANGE ORDER..... \$17,589.00 0 days

Not valid until signed by the Owner, Architect and Contractor

Original Contract Sum.....	\$1,588,509.00
Net change by previously authorized Change Orders.....	\$23,421.00
<hr/>	
Contract Sum prior to this Change Order	\$1,611,930.00
Contract Sum will be increased by this Change Order by	\$17,589.00
<hr/>	
The new Contract Sum including this Change Order will be	\$1,629,519.00

The date of Substantial Completion prior to this Change Order.....

The Contract Time will be unchanged by this Change Order by..... Zero (0) days

The new date of Substantial Completion including this Change Order will be..... September 2, 2009

NOTE: This summary does not reflect changes in the Contract Sum or Contract Time that have been authorized by Construction Change Directive.

The Design Collaborative

230 North Lynnhaven Road
Virginia Beach VA 23452-0917

McKenzie Construction Corporation

400 S. Road Street, Suite B-1
Elizabeth City, NC 27909

Currituck County

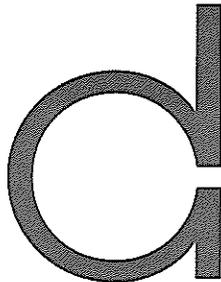
P O Box 39
Currituck, NC 27929

ARCHITECT	CONTRACTOR	OWNER
Signature Edward G. Lazon, AIA	Signature	Signature
Printed Name Architect	Printed Name	Printed Name
Title February 3, 2009	Title	Title
Date	Date	Date

February 18, 2009

Daniel F. Scanlon, II
County Manager
P. O. Box 39
Currituck, NC 27929

RE: Moyock Library
Currituck County, North Carolina
TDC Project No. 07-005



**THE DESIGN
COLLABORATIVE**

LIBRARY PLANNERS
LIBRARY CONSULTANTS
LIBRARY ARCHITECTS

230 N. Lynnhaven Road
Virginia Beach, VA 23452-7522
www.designcollaborative.cc
email: architects@
designcollaborative.cc
Phone: (757) 340-4272
Fax: (757) 463-9123

Richard J. Fitts, AIA
Edward G. Lazaron, AIA

Dear Mr. Scanlon,

As described in our Agreement for the above referenced project, dated February 12, 2007, I am writing to notify you of changes in the scope of work for the Civil Engineer and Geotechnical Engineer and Testing Service:

See attached MSA, PC and GET Solution proposals for detailed description of work.

Fee Change Summary:

- | | | |
|----|---|------------------------------------|
| 1. | Additional Construction Phase Services (HOURLY - Not to Exceed) - | |
| | MSA, P.C. | \$7,500.00 x 1.1 = \$ 8,250.00 +/- |
| | TDC | 3,000.00 |
| | <u>SUBTOTAL</u> | <u>\$11,250.00</u> |
| 2. | Construction Testing - | |
| | GET Solutions | \$8,454.00 x 1.1 = \$ 9,300.00 |

Please sign below to indicate acceptance of this proposal.

Yours very truly,
THE DESIGN COLLABORATIVE


Edward G. Lazaron, AIA
Principal

Accepted By: _____
Daniel F. Scanlon, II, County Manager

R E S O L U T I O N

WHEREAS, the Board of Commissioners of Currituck County, North Carolina during its regularly scheduled meeting held on March 2, 2009 authorized the following, pursuant to GS 160A and 270(b) that the property listed below be disposed of at the local landfill:

'Units are beyond feasible repair and have already been replaced'

**Pump, High Service Model 4L12 serial T1151425
Motor, Electric 20 HP Model B0204DLE2112H serial 8805970B**

ADOPTED, this _____ day of _____, 2009.

Owen Etheridge
Currituck County Board of
Commissioners

ATTEST:

Gwen H. Keene, CMC
Clerk to the Board



COUNTY OF DARE

Office of the Board of Commissioners
P.O. Box 1000, Manteo, North Carolina 27954

Warren Judge
Chairman

Allen Burrus
Vice-Chairman

Virginia Tillett
Mike Johnson
Richard Johnson
Max Dutton
Jack Shea

(252) 475-5700
Fax (252) 473-6312

Katie V. Smith
Clerk to the Board

Robert L. Outten
County Attorney

February 18, 2009

The Honorable Walter B. Jones
US House of Representatives
422 Cannon House Office Building
Washington, DC 20515

The Honorable Marc Basnight
State Legislative Building
Room 2007
Raleigh, NC 27601-2808

The Honorable Tim Spear
State Legislative Building
Room 403
Raleigh, NC 27601

RE: **RESOLUTION SUPPORTING CREATION OF AN INSURANCE
COMMISSION**

Dear Mr. Jones, Senator Basnight and Mr. Spear:

Enclosed please find Resolution Supporting Creation of an Insurance Commission adopted by the Dare County Board of Commissioners at their February 16th meeting.

On behalf of the Dare County Board of Commissioners, thank you for your attention to this matter and thank you for your service to the people of Dare County.

Sincerely,

Rhonda L. Creef
Deputy Clerk

Enclosure

Copy to: NC Coastal Counties
Towns of Duck, Southern Shores, Kitty Hawk, Kill Devil Hills,
Nags Head and Manteo



COUNTY OF DARE

Office of the Board of Commissioners
P.O. Box 1000, Manteo, North Carolina 27954

Warren Judge
Chairman

Allen Burrus
Vice-Chairman

Virginia Tillett
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Fax (252) 473-6312

Katie V. Smith
Clerk to the Board

Robert L. Outten
County Attorney

Res 09-02-7

A RESOLUTION SUPPORTING CREATION OF AN INSURANCE COMMISSION

WHEREAS, increasing homeowners, wind and hail and other property related insurance rates and deductibles are a major concern to all property owners within North Carolina and of particular concern to those who own property in coastal region of North Carolina; AND

WHEREAS, currently decisions regarding increases or decreases in the rates and deductibles of insurance in North Carolina rest solely with the Insurance Commissioner and the Department of Insurance; AND

WHEREAS, the processes, procedures and methods used by the Insurance Commissioner and the Department of Insurance in making such decisions currently provide the public with little to no transparency and very limited means of providing input or recourse for unfair and unjust decisions of the Insurance Commissioner and the Department of Insurance; AND

WHEREAS, this lack of transparency, input and recourse often places an unjust and unfair burden upon North Carolina property owners through the increase in those property owners' insurance rates based on incorrect and/or misconstrued data and the arbitrary and capricious processing of that data to make decisions contrary to the public welfare; AND

WHEREAS, the legislative creation of an Insurance Commission in a form similar to that of the Utilities Commission created pursuant to Chapter 62 of the North Carolina General Statutes and in a manner that is open to the public, that provides for the fair and just regulation of insurance rates for all North Carolina residents and that provides aggrieved persons sufficient means of recourse for unfair or unjust insurance rates would be a benefit to all citizens and residents of North Carolina.

NOW THEREFORE BE IT RESOLVED that the Dare County Board of Commissioners supports the legislative creation of an Insurance Commission tasked with providing fair and just insurance rates to all North Carolina residents in a manner that is open to the public and provides aggrieved persons sufficient means of recourse for unfair or unjust insurance rates and encourages all Dare County and North Carolina residents, property owners, and visitors to contact their representatives in the North Carolina General Assembly to indicate support for such legislation.

This the 16th day of February 2009.

Warren Judge, Chairman
Dare County Board of Commissioners

ATTEST

Katie Smith, Clerk

**FY 2010 Application
(July 1, 2009 through June 30, 2010)**

State Aid for Mosquito Control

(BOARD OF COMMISSIONERS)

**Public Health Pest Management
1631 Mail Service Center
Raleigh, North Carolina 27699-1631**

Courier 1631 MSC

(919) 733-6407 Fax (919) 733-7618

APPLICATION FOR STATE AID FOR MOSQUITO CONTROL

FISCAL YEAR 2010

Name of Organization: (Applicant) County of Currituck		
Street Address: 145 Courthouse Road (All MAIL: P.O. Box 38)		
City: Currituck	State: NC	County: Currituck
Nine-digit Zip Code: 27929-0038	Federal I.D. Number: 56-600292	
Phone Number: 252-232-2504	Fax Number: 252-232-3298	
Contact Person: Brenda K. McQueen		Alternate Contact: Jim Hunter
E-Mail Address: bmcqueen@co.currituck.nc.us		Alternate's E-mail Address: pwmaintenance@co.currituck.nc.us

Please supply ALL information requested.

Unless otherwise requested, the following specifications shall become part of any agreement between the applicant and the Public Health Pest Management Section, Division of Environmental Health, North Carolina Department of Environment and Natural Resources.

The applicant agrees to the following:

1. To conduct mosquito control activities as specified in the attached work plan. Any addendum to the work plan shall have prior written approval of the Division of Environmental Health before becoming a part of this agreement.
2. To assume such responsibility for claims for damage resulting from the operation of the program as is necessary to absolve the state of any of its departments, agencies or employees from any liability whatsoever from such claims.
3. To use funds provided by the Division of Environmental Health and those shown on the program application as being provided by the applicant exclusively for mosquito control in accordance with the "State Aid for Mosquito Control Rules."
4. To perform all mosquito control activities under the direction of a competent supervisor, and to apply pesticides under the supervision of a licensed applicator.
5. To submit reports in the format specified by the Division of Environmental Health on a monthly basis showing work performed, expenditures made of both local and state funds, equipment utilized, and material expended.
 - a. Applicant must maintain necessary program and financial records to facilitate:
 1. The verification of net expenditures by fiscal audits.
 2. The conduct of program review.
 3. The submission of required reports.
 4. The separation of water management funds (both local and state) from funds used for other mosquito control activities
 - b. Expenditure reports will be submitted through an invoice with a spreadsheet detailing expenses. The certification statement must be on the spreadsheet, signed by the person in authority.
6. To request and obtain any permits required by local, state, or federal governments.

MOSQUITO CONTROL LOCAL BUDGET

FISCAL YEAR 2010 (July 1, 2009 through June 30, 2010)

_____ County of Currituck _____
(Applicant)

_February 20, 2009_____
(Date)

In the budget columns below, provide individual amounts for applicable line items and a total for the budget columns. **This information is required for eligibility certificate and allocation computations.** Include only LOCAL budgeted amounts. Water Management budgets MUST be listed separately.

ITEM DESCRIPTION	CLASSIFICATION	ITEM NUMBER	LOCAL BUDGETS	
			WATER MANAGEMENT	ALL OTHER CONTROLS
SALARIES (On page 8, list each position title, hours and salary rate)	Salaries	1000		2021
SOCIAL SECURITY	S.S.	1000		125
RETIREMENT CONTRIBUTION	RET.	1000		95
HOSPITAL INSURANCE	HOSP INS	1000		300
SUPPLIES (Inc. insecticides)	E/M SUPL	2000		8000
OFFICE SUPPLIES	OFC SUPL	2000		20
EMPLOYEE TRAVEL	EMP TRAVEL	2000		
TELEPHONE	TEL SVC	2000		
POSTAGE	POSTAGE	2000		
EQUIPMENT REPAIRS	EQPT REP	2000		1500
MOTOR VEHICLE SUPPLIES	AUTO SUPL	2000		150
MOTOR FUEL AND LUBRICANT	FUEL	2000		1000
OTHER CONTRACTED PERSONAL SERVICES	O CON PS	2000		
OTHER CONTRACTS AND GRANTS Albemarle Reg Health	SUB CNTR	6000		8000
		TOTALS		21,211

In order to receive state funds or to use as matching funds, contractual services and grants with individuals, companies or other agencies must be pre-approved by the state. Local contracts must mirror the state contract in substance and required forms. Please return copies of all contract agreements with this application. Expenses that are being reimbursed by other sources are not eligible for reimbursement from the state nor can they be used as matching funds.

**RESOLUTION TO BE ADOPTED BY THE BOARD OF COMMISSIONERS
DESIGNATING OFFICIAL TO SIGN PAPERS AND TO OTHERWISE REPRESENT
THE BOARD IN CONNECTIONS WITH MOSQUITO CONTROL**

Upon motion of _____,
(Name)

seconded by _____,
(Name)

it is here by ordered that _____,
(Name)

as agent for _____,
(Governmental Unit)

is hereby authorized and empowered to sign and execute all papers and documents necessary in connection with the request made to the Division of Environmental Health, North Carolina Department of Environment and Natural Resources, for aid in control of mosquitoes. (S) He is further authorized and required to carry out all agreements stipulated in the project application submitted by us to the Division of Environmental Health, North Carolina Department of Environment and Natural Resources, and to perform other acts that are proper and necessary in connection with the operation of this project. Acts of said person on behalf of said

_____, are in all respects validated, approved and confirmed.
(Governmental Unit)

The undersigned _____,
(Name)

clerk of the _____, hereby certifies that the
foregoing _____,
(Governing Unit)

is a true copy of the resolution of the _____ at

(Governing Unit)

a meeting held on the _____ day of _____, 2009.

Clerk

Gwen Keene

From: Derinda Leary

Sent: Friday, February 20, 2009 4:25 PM

To: Gwen Keene

Attachments: Tourism job description - e-marketing and web dev specialist.doc; Tourism job description PT visitor relations.doc; Tourism job description PT visitor relations-rev feb 2009.doc; Tourism job description -Coordinator Corolla Rev Feb 2009.doc

Gwen:

These four job descriptions need to be Board approved for revisions. The only one with a salary change is the Visitor Relations Coordinator which will be reduced from grade 54 to 52 because it will no longer be a supervisor position. The E-marketing/Web Development Specialist will be replacing the Electronic Media Coordinator position at the same grade of 60. Deb Embrey the current Electronic Media Coordinator has been moved to the vacant position in the Public Information Department and will be titled Web/AV Specialist. (job description will come before the Board at a later date for revision).

Thanks

Derinda Leary
Human Resources Director
Currituck County

CURRITUCK COUNTY JOB DESCRIPTION

JOB TITLE:
E-MARKETING AND WEB DEVELOPMENT SPECIALIST
Grade: 60 Salary: \$39076

GENERAL STATEMENT OF JOB

Under limited supervision, provides enhancements, maintenance, web content management, development, and support for the Currituck County Internet website and electronic publications. Develops marketing materials via the Internet, compiles data regarding web traffic, and has the ability to adjust Internet marketing as appropriate. Works closely in a team-oriented environment while providing technical support and training to County personnel. Reports to the Director of Travel & Tourism.

SPECIFIC DUTIES AND RESPONSIBILITIES

ESSENTIAL JOB FUNCTIONS

- ♦ Ability to design, develop and maintain the website for Currituck County Travel & Tourism
- ♦ Ability to create website templates and functioning forms, surveys, and other interactive media.
- ♦ Enhance multimedia elements ranging from user interface components and layout, content, icons, banners, and other online graphics.
- ♦ Monitor and update links to other area Websites, including providing logos, photographs, and ads when appropriate.
- ♦ Maintain Internet requests for information from the public.
- ♦ Administer the operation and ongoing maintenance of the Travel & Tourism Department's computer software and hardware operations.
- ♦ Maintain County Government access channels using TargetVision software.
- ♦ Create PowerPoint slides for trade shows and presentations.
- ♦ Other duties assigned by the Director of Travel & Tourism and County Manager.

ADDITIONAL JOB FUNCTIONS

Performs duties as assigned during a State of Emergency or other disaster/crisis.

Performs other related work as required.

MINIMUM TRAINING AND EXPERIENCE

Graduation from high school and any equivalent combination of training and experience which provides the required knowledge, skills, and abilities. Two to three years experience in website development required. Also required:

- Extensive knowledge and working experience of Internet technologies, including Web server software for configuration, operations and maintenance; Java; JavaScript; VBScript; ASP; HTML; web search engines and website security; and experience with server-side scripting.
- Extensive knowledge of graphic file formats and production tools.
- Extensive knowledge of Internet advertising and web optimization.

E-MARKETING AND WEB DEVELOPMENT SPECIALIST

- Experience in document conversion (Word, PowerPoint) into HTML.
- Knowledge of Microsoft Office applications (Word, Excel, Access, PowerPoint), Adobe products (PageMaker, Photoshop, Illustrator), and Macromedia products (Dreamweaver MX, Contribute, Fireworks).
- Knowledge of the tourism industry/county government is preferred, but not required.

SPECIAL REQUIREMENT

Possession of a valid North Carolina driver's license.

MINIMUM QUALIFICATIONS OR STANDARDS REQUIRED TO PERFORM ESSENTIAL JOB FUNCTIONS

Physical Requirements: Must be physically able to operate a variety of machinery and equipment, including computers, typewriters, copiers, calculators, facsimile machines, cameras, etc. Must be physically able to operate a motor vehicle. Requires the ability to exert up to 20 pounds of force occasionally, and/or up to 10 pounds of force frequently, and/or a negligible amount of force constantly to move objects. Physical demand requirements are in excess of those for sedentary work. Light Work usually requires walking or standing to a significant degree. However, if the use of arm and/or leg controls requires exertion of forces greater than that for Sedentary Work and the worker sits most of the time, the job is rated for Light Work.

Data Conception: Requires the ability to compare and/or judge the readily observable, functional, structural or composite characteristics (whether similar or divergent from obvious standards) of data, people or things.

Interpersonal Communication: Requires the ability to speak and/or signal people to convey or exchange information. Includes giving instructions, assignments or directions to clients and supporting personnel.

Language Ability: Requires the ability to read a variety of reports, correspondence. Requires the ability to prepare a variety of correspondence, reports, forms, budgets, studies, projects, etc., using prescribed formats and conforming to all rules of punctuation, grammar, diction, and style. Requires the ability to speak before groups of people with poise, voice control and confidence.

Intelligence: Requires the ability to apply principles of logical or scientific thinking to define problems, collect data, establish facts, and draw valid conclusions; to interpret an extensive variety of technical instructions in mathematical or diagrammatic form; and to deal with several abstract and concrete variables.

Verbal Aptitude: Requires the ability to record and deliver information, to explain procedures, to follow oral and written instructions. Must be able to communicate effectively and efficiently in a variety of technical or professional languages, including accounting, engineering, legal, and marketing terminology.

Numerical Aptitude: Requires the ability to utilize mathematical formulas; to add and subtract; multiply and divide; calculate decimals and percentages; interpret graphs.

E-MARKETING AND WEB DEVELOPMENT SPECIALIST

Form/Spatial Aptitude: Requires the ability to inspect items for proper length, width and shape.

Motor Coordination: Requires the ability to coordinate hands and eyes rapidly and accurately in using office equipment.

Manual Dexterity: Requires the ability to handle a variety of items, such as keyboards, control knobs, toggle switches, levers, etc. Must have minimal levels of eye/hand/foot coordination.

Color Discrimination: Requires the ability to differentiate between colors and shades of color.

Interpersonal Temperament: Requires the ability to deal with people beyond giving and receiving instructions. Must be adaptable to performing under stress and when confronted with persons acting under stress.

Physical Communication: Requires the ability to talk and hear: (Talking: expressing or exchanging ideas by means of spoken words. Hearing: perceiving nature of sounds by ear.) Must be able to communicate via telephone.

KNOWLEDGE, SKILLS AND ABILITIES

Considerable knowledge of the methods and techniques used in Internet design, development, and content management.

Ability to create website templates, functioning forms, electronic newsletters, and other media.

Considerable knowledge of the available resources of the County.

Considerable knowledge of general management and business organization principles and practices.

Considerable knowledge of ethical guidelines applicable to the position as outlined by professional standards and/or federal, state and local laws, rules and regulations.

Ability to use common office machines, including computer-driven word processing, spreadsheet and file maintenance programs.

Ability to exercise considerable independent judgment and discretion in establishing, applying and interpreting policies and procedures.

Ability to effectively express ideas orally and in writing.

Ability to exercise tact, courtesy and firmness when in contact the general public.

Ability to establish and maintain effective working relationships as necessitated by work assignments.

CURRITUCK COUNTY JOB DESCRIPTION

JOB TITLE: VISITOR RELATIONS ASSOCIATE-II (Temporary Position)

GENERAL STATEMENT OF JOB

Under limited supervision, serves as a Visitor Relations Associate at Currituck County visitor/welcome centers. Assists in promoting attractions and tourism-relations businesses in the area, and assists in the maintenance of a database of County resources. Helps with the tracking of mail, phone, and Internet inquiries, as well as walk-ins to the center. Positions as based at the Currituck Outer Banks Visitor's Center and Currituck County Welcome Center. Reports to the center officer manager.

SPECIFIC DUTIES AND RESPONSIBILITIES

ESSENTIAL JOB FUNCTIONS

- ◆ Provides customer service to visitors.
- ◆ Answers questions, provides brochures, and distributes other tourism-related information.
- ◆ Helps to ensure overall organization and cleanliness of the center.
- ◆ Assists with keeping the center well maintained and stocked with brochures and other informational materials following the brochure distribution guidelines.
- ◆ Uses office equipment including copier, computer, fax and phones.
- ◆ Ships appropriate promotional materials to individuals and organizations as requested.
- ◆ Maintains a well-informed, working knowledge of the attractions and services available in the area to visitors.
- ◆ Ensures all inquiries from mail, walk-in, website, and telephone receive prompt and courteous responses.
- ◆ Assists with the organization of events and activities.
- ◆ Follows the guidelines included in the center's procedures manual.
- ◆ Maintains a cohesive working relationship with all other Department personnel to ensure a unified and effective promotional effort.
- ◆ Performs duties relating to processing mail.
- ◆ Other duties assigned by the officer manager, Director of Travel & Tourism, and County Manager.

ADDITIONAL JOB FUNCTIONS

Performs duties as assigned by the Director of Travel & Tourism and County Manager during a State of Emergency or other disaster.

Performs other related work as required.

VISITOR RELATIONS ASSOCIATE

MINIMUM TRAINING AND EXPERIENCE

Requires any combination of education and experience equivalent to graduation from high school and at least two years work experience in a customer service oriented position which provides the required knowledge, skills and abilities. Prefer applicants with experience at a visitors' center, government agency, marketing firm, or other tourism-related industry.

SPECIAL REQUIREMENT

Possession of a valid North Carolina driver's license. Typing proficiency: 30 wpm.

MINIMUM QUALIFICATIONS OR STANDARDS REQUIRED TO PERFORM ESSENTIAL JOB FUNCTIONS

Physical Requirements: Must be physically able to operate a variety of machinery and equipment, including computers, typewriters, copiers, calculators, facsimile machines, cameras, etc. Must be physically able to operate a motor vehicle. Requires the ability to exert up to 20 pounds of force occasionally, and/or up to 10 pounds of force frequently, and/or a negligible amount of force constantly to move objects. Must be able to lift up to 40 lbs. Physical demand requirements are in excess of those for sedentary work. Light Work usually requires walking or standing to a significant degree. However, if the use of arm and/or leg controls requires exertion of forces greater than that for Sedentary Work and the worker sits most of the time, the job is rated for Light Work.

Data Conception: Requires the ability to compare and/or judge the readily observable, functional, structural or composite characteristics (whether similar or divergent from obvious standards) of data, people or things.

Interpersonal Communication: Requires the ability to speak and/or signal people to convey or exchange information. Includes giving instructions, assignments or directions to clients and supporting personnel.

Language Ability: Requires the ability to read a variety of reports, correspondence. Requires the ability to prepare a variety of correspondence, reports, forms, budgets, studies, projects, etc., using prescribed formats and conforming to all rules of punctuation, grammar, diction, and style. Requires the ability to speak before groups of people with poise, voice control and confidence.

Intelligence: Requires the ability to apply principles of logical or scientific thinking to define problems, collect data, establish facts, and draw valid conclusions; to interpret an extensive variety of technical instructions in mathematical or diagrammatic form; and to deal with several abstract and concrete variables.

Verbal Aptitude: Requires the ability to record and deliver information, to explain procedures, to follow oral and written instructions. Must be able to communicate effectively and efficiently in a variety of technical or professional languages, including accounting, engineering, legal, and marketing terminology.

Numerical Aptitude: Requires the ability to utilize mathematical formulas; to add and subtract; multiply and divide; calculate decimals and percentages; interpret graphs.

VISITOR RELATIONS ASSOCIATE

Form/Spatial Aptitude: Requires the ability to inspect items for proper length, width and shape.

Motor Coordination: Requires the ability to coordinate hands and eyes rapidly and accurately in using office equipment.

Manual Dexterity: Requires the ability to handle a variety of items, such as keyboards, control knobs, toggle switches, levers, etc. Must have minimal levels of eye/hand/foot coordination.

Color Discrimination: Requires the ability to differentiate between colors and shades of color.

Interpersonal Temperament: Requires the ability to deal with people beyond giving and receiving instructions. Must be adaptable to performing under stress and when confronted with persons acting under stress.

Physical Communication: Requires the ability to talk and hear: (Talking: expressing or exchanging ideas by means of spoken words. Hearing: perceiving nature of sounds by ear.) Must be able to communicate via telephone.

KNOWLEDGE, SKILLS AND ABILITIES

Knowledge of the available resources and geography of the County.

Considerable knowledge of ethical guidelines applicable to the position as outlined by professional standards and/or federal, state and local laws, rules and regulations.

Ability to use common office machines, including computers and copiers.

Ability to exercise considerable independent judgment and discretion in establishing, applying and interpreting policies and procedures.

Ability to effectively express ideas orally and in writing.

Ability to exercise tact, courtesy and firmness when in contact the general public.

Ability to establish and maintain effective working relationships as necessitated by work assignments.

CURRITUCK COUNTY JOB DESCRIPTION

JOB TITLE: VISITOR RELATIONS ASSOCIATE-I (Temporary Position)

GENERAL STATEMENT OF JOB

Under limited supervision, serves as a Visitor Relations Associate at Currituck County visitor/welcome centers. Assists in promoting attractions and tourism-relations businesses in the area. Helps with the tracking of mail, phone, and Internet inquiries, as well as walk-ins to the center. Positions as based at the Currituck Outer Banks Visitor's Center and Currituck County Welcome Center. Reports to the center officer manager.

SPECIFIC DUTIES AND RESPONSIBILITIES

ESSENTIAL JOB FUNCTIONS

- ◆ Provides customer service to visitors.
- ◆ Answers questions, provides brochures, and distributes other tourism-related information.
- ◆ Helps to ensure overall organization and cleanliness of the center.
- ◆ Assists with keeping the center well maintained and stocked with brochures and other informational materials following the brochure distribution guidelines.
- ◆ Uses office equipment including copier, computer, fax and phones.
- ◆ Ships appropriate promotional materials to individuals and organizations as requested.
- ◆ Maintains a well-informed, working knowledge of the attractions and services available in the area to visitors.
- ◆ Ensures all inquiries from mail, walk-in, website, and telephone receive prompt and courteous responses.
- ◆ Assists with the organization of events and activities.
- ◆ Follows the guidelines included in the center's procedures manual.
- ◆ Maintains a cohesive working relationship with all other Department personnel to ensure a unified and effective promotional effort.
- ◆ Performs duties relating to processing mail.
- ◆ Other duties assigned by the officer manager, Director of Travel & Tourism, and County Manager.

ADDITIONAL JOB FUNCTIONS

Performs duties as assigned by the Director of Travel & Tourism and County Manager during a State of Emergency or other disaster.

Performs other related work as required.

VISITOR RELATIONS ASSOCIATE

MINIMUM TRAINING AND EXPERIENCE

Requires any combination of education and experience equivalent to graduation from high school and at least one year work experience in a customer service oriented position which provides the required knowledge, skills and abilities. Prefer applicants with experience at a visitors' center, government agency, marketing firm, or other tourism-related industry.

SPECIAL REQUIREMENT

Possession of a valid North Carolina driver's license.

MINIMUM QUALIFICATIONS OR STANDARDS REQUIRED TO PERFORM ESSENTIAL JOB FUNCTIONS

Physical Requirements: Must be physically able to operate a variety of machinery and equipment, including computers, typewriters, copiers, calculators, facsimile machines, cameras, etc. Must be physically able to operate a motor vehicle. Requires the ability to exert up to 20 pounds of force occasionally, and/or up to 10 pounds of force frequently, and/or a negligible amount of force constantly to move objects. Must be able to lift up to 40 lbs. Physical demand requirements are in excess of those for sedentary work. Light Work usually requires walking or standing to a significant degree. However, if the use of arm and/or leg controls requires exertion of forces greater than that for Sedentary Work and the worker sits most of the time, the job is rated for Light Work.

Data Conception: Requires the ability to compare and/or judge the readily observable, functional, structural or composite characteristics (whether similar or divergent from obvious standards) of data, people or things.

Interpersonal Communication: Requires the ability to speak and/or signal people to convey or exchange information. Includes giving instructions, assignments or directions to clients and supporting personnel.

Language Ability: Requires the ability to read a variety of reports, correspondence. Requires the ability to prepare a variety of correspondence, reports, forms, budgets, studies, projects, etc., using prescribed formats and conforming to all rules of punctuation, grammar, diction, and style. Requires the ability to speak before groups of people with poise, voice control and confidence.

Intelligence: Requires the ability to apply principles of logical or scientific thinking to define problems, collect data, establish facts, and draw valid conclusions; to interpret an extensive variety of technical instructions in mathematical or diagrammatic form; and to deal with several abstract and concrete variables.

Verbal Aptitude: Requires the ability to record and deliver information, to explain procedures, to follow oral and written instructions. Must be able to communicate effectively and efficiently in a variety of technical or professional languages, including accounting, engineering, legal, and marketing terminology.

Numerical Aptitude: Requires the ability to utilize mathematical formulas; to add and subtract; multiply and divide; calculate decimals and percentages; interpret graphs.

VISITOR RELATIONS ASSOCIATE

Form/Spatial Aptitude: Requires the ability to inspect items for proper length, width and shape.

Motor Coordination: Requires the ability to coordinate hands and eyes rapidly and accurately in using office equipment.

Manual Dexterity: Requires the ability to handle a variety of items, such as keyboards, control knobs, toggle switches, levers, etc. Must have minimal levels of eye/hand/foot coordination.

Color Discrimination: Requires the ability to differentiate between colors and shades of color.

Interpersonal Temperament: Requires the ability to deal with people beyond giving and receiving instructions. Must be adaptable to performing under stress and when confronted with persons acting under stress.

Physical Communication: Requires the ability to talk and hear: (Talking: expressing or exchanging ideas by means of spoken words. Hearing: perceiving nature of sounds by ear.) Must be able to communicate via telephone.

KNOWLEDGE, SKILLS AND ABILITIES

Knowledge of the available resources and geography of the County.

Considerable knowledge of ethical guidelines applicable to the position as outlined by professional standards and/or federal, state and local laws, rules and regulations.

Ability to use common office machines.

Ability to exercise considerable independent judgment and discretion in establishing, applying and interpreting policies and procedures.

Ability to effectively express ideas orally and in writing.

Ability to exercise tact, courtesy and firmness when in contact the general public.

Ability to establish and maintain effective working relationships as necessitated by work assignments.

CURRITUCK COUNTY JOB DESCRIPTION

JOB TITLE: VISITOR RELATIONS COORDINATOR-Corolla
GRADE: 52

GENERAL STATEMENT OF JOB

Under limited supervision, provides public relations and customer service to visitors, residents, and businesses. Assists in the development of information and public relations programs and promotes attributes of the area. Assists with tracking fulfillments of mail, phone inquiries and other data. Promotes events that attract visitors to the County. Position is based at the Currituck Outer Banks Visitor Center. Reports to the Center Manager.

SPECIFIC DUTIES AND RESPONSIBILITIES

ESSENTIAL JOB FUNCTIONS

- ◆ Answers questions, provides brochures, and distributes other tourism related information.
- ◆ Ensures overall organization and cleanliness of the center and maintain the center's facility use policy manual.
- ◆ Ensures the center is well maintained and stocked with brochures and other informational materials following the brochure distribution policy; provide local businesses with current printed materials.
- ◆ Ships appropriate promotional material to individuals and organizations as requested.
- ◆ Maintains a well-informed, working knowledge of the attractions and services available in the area to visitors.
- ◆ Ensures all inquiries from mail, walk-in, website, and telephone receive prompt and courteous responses.
- ◆ Assists with the organization of events and activities.
- ◆ Maintains statistics; create various reports.
- ◆ Maintains a cohesive working relationship with all other Department personnel to ensure a unified and effective promotional effort.
- ◆ Performs other duties as assigned by the Travel & Tourism Director and County Manager.

ADDITIONAL JOB FUNCTIONS

Performs tasks associated with processing of mail. Performs duties as assigned by the Center Manager, Travel & Tourism Director, and County Manager during a State of Emergency or other disaster.

Performs other related work as required.

MINIMUM TRAINING AND EXPERIENCE

Requires any combination of education and experience equivalent to graduation from high school and at least two years work experience in customer service which provides the required knowledge, skills and abilities. Prefer applicants with experience at a visitors' center, government agency, marketing firm, or other tourism-related industry.

VISITOR RELATIONS COORDINATOR

SPECIAL REQUIREMENT

Possession of a valid North Carolina driver's license.

MINIMUM QUALIFICATIONS OR STANDARDS REQUIRED TO PERFORM ESSENTIAL JOB FUNCTIONS

Physical Requirements: Must be physically able to operate a variety of machinery and equipment, including computers, typewriters, copiers, calculators, facsimile machines, cameras, etc. Must be physically able to operate a motor vehicle. Requires the ability to exert up to 20 pounds of force occasionally, and/or up to 10 pounds of force frequently, and/or a negligible amount of force constantly to move objects. Must be able to lift up to 40 lbs. Physical demand requirements are in excess of those for sedentary work. Light Work usually requires walking or standing to a significant degree. However, if the use of arm and/or leg controls requires exertion of forces greater than that for Sedentary Work and the worker sits most of the time, the job is rated for Light Work.

Data Conception: Requires the ability to compare and/or judge the readily observable, functional, structural or composite characteristics (whether similar or divergent from obvious standards) of data, people or things.

Interpersonal Communication: Requires the ability to speak and/or signal people to convey or exchange information. Includes giving instructions, assignments or directions to clients and supporting personnel.

Language Ability: Requires the ability to read a variety of reports, correspondence. Requires the ability to prepare a variety of correspondence, reports, forms, budgets, studies, projects, etc., using prescribed formats and conforming to all rules of punctuation, grammar, diction, and style. Requires the ability to speak before groups of people with poise, voice control and confidence.

Intelligence: Requires the ability to apply principles of logical or scientific thinking to define problems, collect data, establish facts, and draw valid conclusions; to interpret an extensive variety of technical instructions in mathematical or diagrammatic form; and to deal with several abstract and concrete variables.

Verbal Aptitude: Requires the ability to record and deliver information, to explain procedures, to follow oral and written instructions. Must be able to communicate effectively and efficiently in a variety of technical or professional languages, including accounting, engineering, legal, and marketing terminology.

Numerical Aptitude: Requires the ability to utilize mathematical formulas; to add and subtract; multiply and divide; calculate decimals and percentages; interpret graphs.

Form/Spatial Aptitude: Requires the ability to inspect items for proper length, width and shape.

Motor Coordination: Requires the ability to coordinate hands and eyes rapidly and accurately in using office equipment.

VISITOR RELATIONS COORDINATOR

Manual Dexterity: Requires the ability to handle a variety of items, such as keyboards, control knobs, toggle switches, levers, etc. Must have minimal levels of eye/hand/foot coordination.

Color Discrimination: Requires the ability to differentiate between colors and shades of color.

Interpersonal Temperament: Requires the ability to deal with people beyond giving and receiving instructions. Must be adaptable to performing under stress and when confronted with persons acting under stress.

Physical Communication: Requires the ability to talk and hear: (Talking: expressing or exchanging ideas by means of spoken words. Hearing: perceiving nature of sounds by ear.) Must be able to communicate via telephone.

KNOWLEDGE, SKILLS AND ABILITIES

Working knowledge of the methods and techniques used in marketing and promotion for travel and tourism.

Considerable knowledge of the available resources of the County.

Considerable knowledge of general management and business organization principles and practices.

Considerable knowledge of County geography.

Considerable knowledge of ethical guidelines applicable to the position as outlined by professional standards and/or federal, state and local laws, rules and regulations.

Ability to use common office machines, including popular computer-driven word processing, spreadsheet and file maintenance programs.

Ability to exercise considerable independent judgment and discretion in establishing, applying and interpreting policies and procedures.

Ability to effectively express ideas orally and in writing.

Ability to exercise tact, courtesy and firmness when in contact the general public.

Ability to establish and maintain effective working relationships as necessitated by work assignments.

CURRITUCK COUNTY
NORTH CAROLINA
February 16, 2009

The Board of Commissioners met prior to the regular meeting at 6:00 p.m. to discuss Service Districts.

The Board of Commissioners met at 7:00 p.m. for its regularly scheduled meeting at the Historic Courthouse in the Commissioners Meeting Room with the following members present: Chairman Etheridge, Commissioners O'Neal, Aydlett, Nelms, Rorer, Gregory and Taylor.

Invocation and Pledge of Allegiance

The Reverend Bill Ralph was present to give the invocation.

Approval of Agenda

Commissioner Rorer moved to approve agenda with amendment to delete Item 7 and add a budget amendment and approval of easement for Corolla Bay. Commissioner Taylor seconded the motion.

- Item 2 Public Comment
Please limit comments to items not appearing on the regular agenda, please limit comments to 3 minutes.
- Item 3 State Office of Emergency Medical Service to present Model System
- Item 4 Consideration Boy Scout Lease Agreement
- Item 5 Consideration of Resolution to General Assembly requesting various local acts
- Item 6 Appointment of Commissioner to Farmland Preservation Agricultural Advisory Board
- Item 7 Appointment of Commissioner to Northeastern Workforce Investment Consortium
- Item 8 Appointment of Commissioner to Recreation Advisory Board
- Item 9 Appointments to Recreation Advisory Board
- Item 10 Consent Agenda:
1. Ordinance to authorize amending code of ordinances for billing of annual inspection of provisional septic tanks
 2. Approval of NC Marriage Amendment Resolution
 3. Letter requesting amendment to testing for Volatile Organic Compounds
 4. Letter of Support opposing bailout legislation for the OTCs
 5. Approval of February 2, 2009, Minutes
 6. Approval of Sheriff's Office Records Retention and Disposition Schedule
 7. Budget Amendments
 8. Crowder Change Order #2 - Mainland Water Construction

- 9. Change order #1 - McKenzie Construction Co., Moyock Library
- 10. Planning Department Job Descriptions
- 11. Fire & EMS Peer Review/Quality Management bylaws and personnel approval

Item 11 Commissioner's Report

Item 12 County Manager's Report

Item 13 **Closed Session:**

- 1. According to GS 143-318.11(6) to discuss personnel

Adjourn

Special Meeting

Tourism Development Authority

Call to order

Budget Amendment

Discussion of Additional Tourism Funding

Discussion on Moyock Welcome Center Sign up-grade

Public Comment

Please limit comments to items not appearing on the regular agenda, please limit comments to 3 minutes.

Chairman Etheridge opened the public comment period.

Chris Curdes, Veterans Volunteer Service Officer, requested a 15 minute meeting with the Board.

There being no further comments, the public comment period was closed.

State Office of Emergency Medical Service to present Model System

Regina Crawford, State Office of Emergency Medical Service, presented an award to the Currituck County EMS Staff and Board of Commissioners for their efforts and outstanding service to be the 14th Model System designation.

Chief Carter introduced his staff and commended them for their service.

Consideration Boy Scout Lease Agreement

Commissioner Gregory moved to approve with an amendment to allow use of all county property. Commissioner Aydlett seconded the motion. Motion carried.

LICENSE AGREEMENT

THIS LICENSE AGREEMENT made and entered into this _____ day of _____, 2009, by and between Currituck County North Carolina, a body corporate and politic existing pursuant to the laws of the State of North Carolina, (the "Licensor"), and Tidewater Council No. 596, Boy Scouts of America with principal offices in Virginia Beach, Virginia, (the "Licensee").

WITNESSETH:

That the County of Currituck in consideration of the license fee in the amount of One and No/100 Dollars (\$1.00) payable in advance hereby grants a non-exclusive license to let the Licensee use, beginning April 1, 2009 and ending March 31, 2011, the property described in Exhibit A attached to this license agreement and incorporated hereinafter by reference, (the "Premises"), for recreational and incidental purposes.

THIS AGREEMENT is granted subject to the following conditions:

1. The Premises may be used for the following: park and or recreational purposes only with no others: camping, hiking and training in connection with programs of Boy Scouts of America. Other similar youth activities by other groups or organizations may be permitted by Licensor. The Currituck County Director of Public Works shall resolve any scheduling or use conflicts.

2. Any development and/or maintenance the Licensee elects to do to the premises must be done in accordance with a Development and Maintenance Program to be mutually agreed upon in writing by both parties. All structures shall be constructed and landscaping accomplished in accordance with plans approved by the Currituck Board of Commissioners or its designated Agent. Title to improvements constructed or erected by the Licensee shall remain vested in Licensee subject however to the provisions of condition 8 hereof and shall be maintained by Licensee in a condition satisfactory to Licensor

3. Licensee shall cut no timber, conduct no mining operations, remove no sand, gravel or kindred substances from the ground, commit no waste to any kind, nor in any manner substantially change the contour or condition of the Premises except as may be authorized under and pursuant to condition 2 of this License Agreement. Licensee may salvage such fallen or dead timber as may be required for use as firewood.

4. Licensee shall not discharge waste, effluent, or gaseous or vapor emissions from the Premises in such a manner that would violate Federal, State or local regulations pertaining to water and/or air pollution control.

5. The Licensor shall not be responsible for damages to property or injuries to persons which may arise from or be incident to the exercise of the privileges granted by this License Agreement or for damages to the property of the Licensee or for damages to the property or injuries to the person of the Licensee's officers, agents, servants, employees, members, or others who may be on the premises at Licensee's invitation or the invitation of anyone of them arising from or incident to any of Licensor's governmental activities on the Premises and the Licensee shall hold Licensor harmless from any and all such claims except for the sole negligence of Licensor or its agents.

6. This License Agreement may be relinquished by the Licensee at any time by giving the Licensor at least 30 days notice in writing.

7. This License Agreement may be revoked by Licensor in the event the Licensee violates any of the terms and conditions of this agreement and continues and persists therein for a period of 30 days after notice thereof in writing by the Licensor or in the event the Licensor determines the Premises are required by Licensor for another use.

8. On or before the date of expiration of this License Agreement or its termination by the Licensor, the Licensee shall vacate the premises, remove its property and restore the Premises to a condition satisfactory to the Licensor. If, however, the License Agreement is revoked, Licensee shall vacate the Premises, remove its property, and restore the Premises to a condition satisfactory to the Licensor within such time as the Licensor shall designate. In either event, if Licensee shall fail or neglect to remove its property and restore the Premises to a condition satisfactory to Licensor, then at the option of the Licensor the Licensee's property shall either become the property of Licensor without compensation or Licensor may cause it to be removed and the Premises restored to a condition satisfactory to Licensor.

9. All notices to be given pursuant to this License Agreement shall be addressed if to the Licensee, to Tidewater Council, No. 596, Boy Scouts of America, 1032 Heatherwood Drive, Virginia Beach VA, 23455 6675; if to Licensor, to County of Currituck, P.O. Box 39, Currituck NC 27929.

10. This License Agreement is personal and non assignable by the Licensee.

IN WITNESS WHEREOF, Licensor and Licensee have executed this License Agreement in duplicate originals, one of which is retained by each of the parties, the day and year first above written.

Consideration of Resolution to General Assembly requesting various local acts

Ike McRee, County Attorney, reviewed the legislation.

Commissioner O'Neal moved to approve with additional requests by Game Board. Commissioner Aydlett seconded the motion. Motion carried.

RESOLUTION OF THE BOARD OF COMMISSIONERS FOR CURRITUCK COUNTY, NORTH CAROLINA ESTABLISHING LEGISLATIVE AGENDA AND REQUEST FOR THE INTRODUCTION OF VARIOUS LOCAL ACTS BY THE COUNTY'S LEGISLATIVE DELEGATION

WHEREAS, the North Carolina General Assembly convened its 2009-2010 Session on January 28, 2009; and

WHEREAS, Board of Commissioners for the County of Currituck desires that its legislative delegation introduce and support the adoption of various local acts beneficial to the citizens of Currituck County.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners for the County of Currituck, North Carolina that:

Section 1. The County of Currituck requests that Representative Bill Owens and Senator Marc Basnight introduce and support the following legislation:

A. Regulation and Use of Golf Carts on Public Streets

Legislation to authorize the county to, by ordinance, regulate the operation of golf carts on any public street or road within the county and the authority to, by ordinance, require the registration of golf carts, charge a fee for the registration, specify the persons authorized to operate golf carts, and specify the required equipment, load limits, hours and methods of operation and golf carts and types of streets upon which golf carts may be operated.

B. Use of Electronic Means to Provide Public Notice for Certain Public Hearings

Legislation to authorize the county, by ordinance, to provide notice of public hearings through

electronic means including, but not limited to, the county website but that such ordinance may not supersede requirements for mailed notice, the posting of signs on property or the required time frame for public notices.

C. Expand Membership of the Currituck Game Commission

Legislation to increase membership of the Currituck Game Commission from five to seven members with one member chosen from each of the five county commissioner residency districts and two members appointed to serve at large.

D. Expand Membership of the Board of Adjustment

Legislation to increase membership of the Currituck County Board of Adjustment from five regular members to seven regular members with one regular member chosen from each of the five county commissioner residency districts and two regular members appointed to serve at large.

E. Transfer of Development Rights

Legislation to allow the county to implement transfer of development rights.

F. Restrict Outlying Landing Field

Legislation to restrict the location of military outlying landing fields in the vicinity of educational facilities.

Section 2. The County Manager, County Attorney and Clerk to the Board of Commissioners are directed to forward a copy of this resolution to Representative Bill Owens and Senator Marc Basnight with supporting documentation.

Section 3. This resolution shall be effective upon its adoption.

ADOPTED the 16th day of February, 2009.

**Appointment of Commissioner to Farmland Preservation
Agricultural Advisory Board**

Commissioner O'Neal moved to appoint Chairman Etheridge. Commissioner Rorer seconded the motion. Motion carried.

**Appointment of Commissioner to Northeastern Workforce
Investment Consortium**

delete

Appointment of Commissioner to Recreation Advisory Board

Commissioner Gregory moved to appoint Commissioner Aydlett. Commissioner O'Neal seconded the motion. Motion carried.

Appointments to Recreation Advisory Board

Commissioner O'Neal appointed Cynthia Hampton. Commissioner Gregory appointed Ernest Hughes. Appointments were approved by acclamation.

Consent Agenda:

1. Ordinance to authorize amending code of ordinances for billing of annual inspection of provisional septic tanks
2. Approval of NC Marriage Amendment Resolution
3. Letter requesting amendment to testing for Volatile Organic Compounds
4. Letter of Support opposing bailout legislation for the OTCs
5. Approval of February 2, 2009, Minutes
6. Approval of Sheriff's Office Records Retention and Disposition Schedule
7. Budget Amendments
8. Crowder Change Order #2 - Mainland Water Construction
9. Change order #1 - McKenzie Construction Co., Moyock Library
10. Planning Department Job Descriptions
11. Fire & EMS Peer Review/Quality Management bylaws and personnel approval

Commissioner Gregory moved to approve. Commissioner Taylor seconded the motion. Motion carried.

AN ORDINANCE OF THE CURRITUCK COUNTY BOARD OF COMMISSIONERS AMENDING THE CURRITUCK COUNTY CODE OF ORDINANCES TO AUTHORIZE THE BILLING OF FEES FOR ANNUAL INSPECTION OF PROVISIONAL SEPTIC TANKS OR OTHER INNOVATIVE SEPTIC SYSTEMS AS PROPERTY TAXES

Ordinance No. 09-_____

WHEREAS, pursuant to Session Law 1995-577 the County of Currituck is authorized to adopt an ordinance providing that any fees for the annual inspection of provisional septic tanks or other innovative septic systems may be billed, paid and collected in the same manner as property taxes and that delinquent fees are a lien on the real property described on the bill that includes the fee.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners for the County of Currituck, North Carolina as follows:

PART I. That the Code of Ordinances, Currituck County, North Carolina is amended by adding a article and section to Chapter 13 to read as follows:

ARTICLE IV. PROVISIONAL AND INNOVATIVE WASTE WATER COLLECTION AND TREATMENT SYSTEMS

Section 13-243. Billing and Collection of Annual Inspection Fees.

The fee imposed by the health department or management entity having jurisdiction within the county for the annual inspection of provisional septic tanks or other innovative septic systems may be billed and is payable in the same manner as property taxes and, in the case of nonpayment, may be collected in any manner by which real or personal property taxes can be collected. The annual inspection fee is due and payable upon invoice of the health department or management entity having jurisdiction in the county and at that time becomes a lien on the land described in the invoice that includes the annual inspection fee.

PART II. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed

PART III. This ordinance is effective upon its adoption.

North Carolina Marriage Amendment Resolution

WHEREAS, marriage throughout human history has been the basic building block of society; and

WHEREAS, marriage is in fact the union of one man and one woman at one time, and it is the nature of this male/female relationship that defines marriage; and

WHEREAS, North Carolina law recognizes that, “A valid and sufficient marriage is created by the consent of a male and a female person who may lawfully marry, presently to take each other as husband and wife, freely, seriously and plainly expressed by each in the presence of the other...” (N.C. Gen. Stat. 51-1); and

WHEREAS, the General Assembly of North Carolina passed a “Defense of Marriage Act” in 1996, which clarifies in statute that: “Marriage, whether created by common law, contracted, or performed outside of North Carolina, between individuals of the same gender are not valid in North Carolina.” (N.C. Gen. Sta. 51-1.2); and

WHEREAS, the United States Congress enacted a federal statute known as the “Defense of Marriage Act” which mandates that, the word ‘marriage’ means only a legal union between one man and one woman as husband and wife, and the word ‘spouse’ refers only to a person of the opposite sex who is a husband or a wife.” (1 U.S.C. § 7); and

WHEREAS, the Supreme Judicial Court of the State of Massachusetts declared in a 4-3 decision that the Massachusetts legislature must provide for same-sex marriages, and whereas the State of Massachusetts began issuing marriage licenses to same-sex couples on May 17, 2004, and whereas the Massachusetts legislature repealed a law that prohibited marriage in Massachusetts of couples whose home states would not recognize the marriage, so that same-sex couples from North Carolina can now legally “marry” in Massachusetts; and

WHEREAS, the California Supreme Court ruled in a 4-3 decision that limiting marriage to opposite-sex couples was a violation of the California Constitution, and whereas the

State of California began issuing marriage licenses to same-sex couples on May 17, 2008, and continued that practice until November, 4, 2008, when voters in California overrode their Court's redefinition of marriage by passing Proposition 8 protecting the traditional definition of marriage; and

WHEREAS, on October 10, 2008, the Supreme Court of Connecticut ruled by a 4-3 majority that, even though same-sex couples in Connecticut can form civil unions equal in rights and benefits to marriage, denying them the right to marry violates the State's Constitution, and whereas, on November 12, 2008 the State began issuing marriage licenses to same-sex couples; and

WHEREAS, An unknown number of same-sex couples that reside in North Carolina have already obtained marriage licenses in Massachusetts, California (before Proposition 8 passed), or Connecticut, and at any time, one or more of these couples could file suit in a North Carolina court in an attempt to convince a judge to overturn our State's marriage laws, arguing that they unconstitutionally prohibit "marriages" between same-sex couples; and

WHEREAS, without a provision in our State Constitution defining marriage as the union between only a man and a woman, any court in our State could redefine marriage by legalizing the union of same-sex couples, without a vote of the people of the State or our elected legislators; and

WHEREAS, to date, 30 states have passed Marriage Protection Amendments that place the traditional definition of marriage as the union of one man and one woman in their state constitutions and beyond the reach of a court; and

WHEREAS, North Carolina is the only state in the southern United States that has not protected marriage in its State Constitution by defining it as the union of one man and one woman, thus making it a target for same-sex "marriage;" and

WHEREAS, a Constitutional Amendment stating that "*Marriage between a man and a woman is the only domestic legal union that shall be valid or recognized in this State*" is the strongest means of protecting North Carolina's statutory definition of marriage and of insuring that the definition of marriage will be determined by the people of the State; and

WHEREAS, bills have been proposed in the last five sessions of the General Assembly to protect marriage by defining it in the North Carolina Constitution as the union of one man and one woman, but the leadership in the North Carolina House and Senate have denied lawmakers and the citizens of the State an opportunity to vote on these bills;

BE IT THEREFORE RESOLVED, that the Currituck County Board of Commissioners believes that it is in the best interest of the people of the Currituck County and the State of North Carolina to define marriage in the North Carolina Constitution as the union of one man and one woman at one time.

BE IT THEREFORE RESOLVED, that Currituck County hereby requests that the North Carolina General Assembly, in accordance with Article

XIII, Section 4 of the North Carolina Constitution, approve legislation submitting a proposal to the qualified voters of this State, for their ratification or rejection, for the adoption of an amendment to the North Carolina Constitution stating:

“Marriage between a man and a woman is the only domestic legal union that shall be valid or recognized in this State”

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10530-502100	Salaries - Overtime	\$ 30,000	
10530-503500	Salaries - Temporary Services	\$ 70,000	
10530-511000	Telephone & Postage	\$ 3,000	
10530-532000	Supplies	\$ 2,500	
10530-553000	Dues & Subscriptions	\$ 500	
10530-502000	Salaries - Regular		\$ 100,000
10530-554400	Volunteer Assistance		\$ 3,000
10530-545000	Contract Services		\$ 3,000
10541-531000	Gas, Oil, Tires	\$ 1,500	
10541-553000	Dues & Subscriptions		\$ 1,000
10541-536000	Uniforms		\$ 500
		\$ 107,500	\$ 107,500

Explanation: Emergency Medical Services (10530); Fire Services (10541) - To transfer salary funds to overtime and temporary services due to position vacancies and operating transfers due to increased costs.

Net Budget Effect: Operating Fund (10) - No change.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
62828-516000	Maintenance and Repair	\$ 2,500	
62828-561000	Professional Services		\$ 2,500
		\$ 2,500.00	\$ 2,500.00

Explanation: Newtown Road Sewer (62828) - Three pumps have had to be replaced in the Newtown collection system this fiscal year.

Net Budget Effect: Newtown Road Sewer District (62) - No change.

<u>Account Number</u>	<u>Account Description</u>	Debit		Credit	
		Decrease Revenue or Increase Expense		Increase Revenue or Decrease Expense	
63838-545000	Contracted Services	\$	3,000		
63380-481000	Investment Earnings			\$	3,000
		\$	3,000	\$	3,000

Explanation: Solid Waste (63838) - NCDENR Transfer Station Operating Permit Fee due for Transfer Station Operating Permit 5-year renewal.

Net Budget Effect: Solid Waste Fund (63) - Increased by \$3,000.

<u>Account Number</u>	<u>Account Description</u>	Debit		Credit	
		Decrease Revenue or Increase Expense		Increase Revenue or Decrease Expense	
10510-516000	Maintenance & Repair	\$	10,142		
10510-590000	Capital Outlay	\$	12,711		
10380-484001	Insurance Recovery			\$	22,853
		\$	22,853	\$	22,853

Explanation: Sheriff (10510) - Increase budgeted line items for repairs and replacement for Sheriff vehicles that were damaged when involved in accidents this fiscal year.

Net Budget Effect: Operating Fund (10) - Increased by \$22,853.

<u>Account Number</u>	<u>Account Description</u>	Debit		Credit	
		Decrease Revenue or Increase Expense		Increase Revenue or Decrease Expense	
10750-511000	Telephone & Postage	\$	2,000		
10750-531000	Gas, Oil, Etc	\$	4,200		
10750-532001	Building Supplies	\$	1,000		
10750-561000	Professional Services-Outside Legal Fees	\$	60,000		
10752-519000	Medicaid Transportation	\$	5,000		
10752-519003	St/Co Special Assistance	\$	10,000		
10752-519005	State Foster Care & Boarding	\$	10,000		

10752-519002	Medicaid Assistance		\$	5,000
10752-519100	Title IV-E Foster Care		\$	10,000
10560-519701	HCCBG-Access Services	\$	12,312	
10560-545000	Contracted Services	\$	57,566	
10330-432000	Administrative Aid	\$	3,504	
10330-430600	Elderly & Disabled Transportation		\$	44,626
10330-431200	IV-D Collections		\$	1,069
10330-431300	NC Health Choice		\$	3,500
10330-432200	HCCBG In Home		\$	15,504
10340-450500	Administrative & Filing Fees		\$	36,500
10390-499900	Fund Appropriated Balance		\$	49,383
			<u>\$</u>	<u>165,582</u>
			<u>\$</u>	<u>165,582</u>

Explanation: *Social Services Administration (750)* - Increased costs due to the higher volume of clientele and out of town foster care placements. *PUBLIC ASSISTANCE (752)* - Increase in the Medicaid caseload, eligibility of St/Co Special Assistance clientele and the foster care currently is primarily State Foster Home children. *INTER-COUNTY TRANSPORTATION (560)* - Make adjustments to reflect the contracted amounts.

Net Budget Effect: Operating Fund (10) - Increased by \$147,078.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
50790-594500	Contract Services	\$ 23,421	
50790-588000	Contingency		\$ 23,421
		<u>\$ 23,421</u>	<u>\$ 23,421</u>

Explanation: *Moyock Library Construction (50790)* - To transfer funds from contingency for change order 1 for McKenzie Construction Company.

Net Budget Effect: County Governmental Construction (50) - No change.

Debit **Credit**

<u>Account Number</u>	<u>Account Description</u>	Decrease Revenue or <u>Increase Expense</u>	Increase Revenue or <u>Decrease Expense</u>
55818-593006	Dist System - Tulls Creek Booster Stn Contingency - Distribution System	\$ 37,257	
55818-588003			\$ 37,257
		<u>\$ 37,257</u>	<u>\$ 37,257</u>

Explanation: *Mainland Water Construction (55818) - To transfer contingency funds for Dominion Power to install electrical service to the new Tulls Creek Booster Station.*

Net Budget Effect: Mainland Water Construction (55) - No change.

<u>Account Number</u>	<u>Account Description</u>	Debit Decrease Revenue or <u>Increase Expense</u>	Credit Increase Revenue or <u>Decrease Expense</u>
50640-570004	Reimbursable Expenses	\$ 15,861	
50640-561004	Professional Services		\$ 15,861
		<u>\$ 15,861</u>	<u>\$ 15,861</u>

Explanation: *Cooperative Extension Building (50640) - Transfer funds from professional services to purchase technology for Cooperative Extension building.*

Net Budget Effect: County Governmental Construction (50) - No change.

<u>Account Number</u>	<u>Account Description</u>	Debit Decrease Revenue or <u>Increase Expense</u>	Credit Increase Revenue or <u>Decrease Expense</u>
50548-590000	Furnishings	\$ 267	
50548-588000	Contingency		\$ 267
		<u>\$ 267</u>	<u>\$ 267</u>

Explanation: *Knotts Island Fire Station (50548) - Transfer funds from contingency for furniture from Jess Crate Furniture Company.*

Net Budget Effect: County Governmental Construction (50) - No change.

<u>Account Number</u>	<u>Account Description</u>	Debit		Credit	
		Decrease Revenue or Increase Expense		Increase Revenue or Decrease Expense	
10790 545000	Contracted Services	\$	4,451		
10790 503000	Salaries--Part Time			\$	4,451
		\$	4,451	\$	4,451

Explanation: *Library (10790)* - Transfer funds from Part-time salaries to contracted services for a cleaning contract for the Barco Library until June 30, 2009.

Net Budget Effect: Operating Fund (10) - No change.

<u>Account Number</u>	<u>Account Description</u>	Debit		Credit	
		Decrease Revenue or Increase Expense		Increase Revenue or Decrease Expense	
10550-503000	Salaries-Part Time	\$	27,168		
10550-502000	Salaries-Regular			\$	27,168
		\$	27,168	\$	27,168

Explanation: *Airport (10550)* - To transfer funds to reclassify personnel at the airport from one full-time and one part-time airport linemen to three part-time airport linemen.

Net Budget Effect: Operating Fund (10) - No change.

<u>Account Number</u>	<u>Account Description</u>	Debit		Credit	
		Decrease Revenue or Increase Expense		Increase Revenue or Decrease Expense	
52661-545001	Housing Rehabilitation	\$	275,000		
52380-481000	Investment Earnings			\$	5,000
52390-495010	T F - Operating Fund			\$	270,000
10990-587052	T T - Multi-year grant Fund Administration & Filing	\$	270,000		
10340-450500	Fees			\$	40,000
10380-482000	Miscellaneous Revenue			\$	10,000
10390-499900	Fund Balance Appropriated			\$	220,000

\$	545,000	\$	545,000
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Explanation: *2002 Scattered Site CDBG (52661) - To appropriate funds for rehabilitation/replacement of Ferebee House.*

Net Budget

Effect: Operating Fund (10) - Increased by \$275,000.
Multi-year Grant Fund (52) - Increased by \$275,000.

Commissioner's Report

Commissioner Taylor stated that Blackwater has applied for a SUP from Camden County that would allow heavy weapons and larger gunfire. She has received several letters from residents requesting the county oppose this request. Staff was directed to contact Beaufort County, get GIS maps of area, update LUP and CAMA and contact Mike Doxey regarding the waterways.

Commissioner Aydlett stated that Knotts Island PTA would be having a fundraiser and invited citizens to attend.

Commissioner Nelms commended the Lower Currituck Volunteer Rescue Squad. He updated the Board on the new Moyock Library road.

Commissioner Rorer, commented on the School of Government class on Economic Development he and Mr. Bishop attended.

Chairman Etheridge stated that he attended a meeting with the Chamber on government affairs. He requested a date to meet on the FY 09-10 budget.

Commissioner O'Neal directed staff to move forward with training for the Inspection Office. He also wanted an update on funding for the proposed Recreation Center.

County Manager's Report

No comments

Chairman Etheridge moved to recess the meeting to convene as the Tourism Development Authority. Commissioner Rorer seconded the motion. Motion carried.

Closed Session: According to GS 143-318.11(6)(11)A3 to discuss personnel and to discuss litigation, Perry vs. Holley.

Chairman Etheridge moved to go into closed session as stated. Commissioner Aydlett seconded the motion. Motion carried.

Adjourn

After reconvening from closed, no action was taken.

There being no further business, the meeting was adjourned.

Special Meeting

Tourism Development Authority

Call to order

Chairman Etheridge called the meeting to order.

Budget Amendment

Commissioner O’Neal moved to approve. Commissioner Nelms seconded the motion. Motion carried.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
15447-590000	Capital Outlay	\$ 167,000	
15320-415000	Occupancy Tax		\$ 167,000
		\$ 167,000	\$ 167,000

Explanation: Tourism Related Expenditures (15447) - To increase appropriations for increase in construction cost of Moyock Welcome Center after bids, security system, changes to signage, and picnic and vending pavilions.

Net Budget Effect: Occupancy Tax Fund (15) - Increased by \$167,000.

Discussion of Additional Tourism Funding

Diane Nordstrom, Tourism Director, commented on the use for the additional funding.

Discussion on Moyock Welcome Center Sign up-grade

Dan Scanlon, County Manager, reviewed the up-grade for the new sign at the Welcome Center.

Commissioner Nelms stated that the American Flag needed to be larger.

There being no further business, the meeting adjourned.